

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION - - -</p> <p>IN RE: NATIONAL : HON DAN A PRESCRIPTION OPIATE : POLSTER LITIGATION : MDL NO 2804 : APPLIES TO ALL CASES : NO : 1:17-MD-2804 : - HIGHLY CONFIDENTIAL -</p> <p style="text-align: center;">SUBJECT TO FURTHER CONFIDENTIALITY REVIEW - - -</p> <p style="text-align: center;">December 11, 2018 - - -</p> <p>Videotaped deposition of NANCY BARAN, taken pursuant to notice, was held at the offices of Carella Byrne, P C , 5 Becker Farm Road, Roseland, New Jersey, beginning at 9:02 a m , on the above date, before Michelle L Gray, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public - - -</p> <p style="text-align: center;">GOLKOW LITIGATION SERVICES 877 370 3377 ph 917 591 5672 fax deps@golkow.com</p>	<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 ROBBINS GELLER RUDMAN & DOWD, LLP BY: DORY P ANTULLIS, ESQ MARK J DEARMAN, ESQ 4 120 East Palmetto Park Road Boca Raton, Florida 33432 5 (561) 750-3000 dantullis@rgrdlaw.com mdearman@rgrdlaw.com 6 Representing the Plaintiffs 7 8 KIRKLAND & ELLIS, LLP BY: JENNIFER G LEVY, ESQ 9 KAITLYN COVERSTONE, ESQ 300 North LaSalle Street 10 Chicago, Illinois 60654 (312) 862-7184 11 jennifer.levy@kirkland.com kaitlyn.coverstone@kirkland.com 12 Representing the Defendant, Allergan Finance and the Witness 13 14 MORGAN LEWIS & BOCKIUS, LLP BY: STEVEN A LUXTON, ESQ 15 1111 Pennsylvania Avenue NW Washington, D C 20004 16 (202) 739-5452 steven.luxton@morganlewis.com 17 Representing the Defendant, Teva Pharmaceuticals 18 19 ALLEGAERT, BERGER & VOGEL, LLP BY: CHRISTOPHER ALLEGAERT, ESQ 20 111 Broadway, 20th Floor New York, New York 10006 21 (212) 616-7060 callegaert@abv.com 22 Representing the Defendant, Rochester Drug Co-Op 23 24</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (Cont'd) 2 3 JONES DAY BY: CHRISTOPHER LOVRIEN, ESQ 4 555 South Flower Street, 50th Floor Los Angeles, California 90071 5 (213) 489-3939 cjllovrien@jonesday.com 6 Representing the Defendant, Walmart 7 8 WILLIAMS & CONNOLLY, LLP BY: JOEL S JOHNSON, ESQ 725 12th Street, NW 9 Washington, D C 20005 (202) 434-5148 10 jjohnson@wc.com Representing the Defendant, Cardinal 11 Health 12 13 TELEPHONIC APPEARANCES: 14 15 CLARK MICHIE, LLP BY: BRUCE W CLARK, ESQ 220 Alexander Street 16 Princeton, New Jersey 08540 (609) 423-2144 17 bruce.clark@clarkmichie.com Representing the Defendant, Pernix 18 19 REED SMITH, LLP BY: SARAH B JOHANSEN, ESQ 20 355 South Grand Avenue, Suite 2900 Los Angeles, California 90071 21 (213) 457-8135 sjohansen@reedsmith.com 22 Representing the Defendant, AmerisourceBergen Drug Corporation 23 24</p>	<p style="text-align: right;">Page 4</p> <p>1 TELEPHONIC APPEARANCES: (Cont'd.) 2 3 ARNOLD & PORTER KAYE SCHOLER, LLP BY: SEAN A. McCORMICK, ESQ. 777 South Figueroa Street, 44th Floor 4 Los Angeles, California 90017 (213) 243-4000 5 Sean.mccormick@arnoldporter.com Representing the Defendants, Endo 6 Health Solutions; Endo Pharmaceuticals, Inc.; Par 7 Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. 8 9 COVINGTON & BURLING, LLP BY: DEVON MOBLEY-RITTER, ESQ. 10 3000 El Camino Real Palo Alto, California 94306 11 (650) 632-4739 Dmoleyritter@cov.com 12 Representing the Defendant, McKesson Corporation 13 14 ALSO PRESENT: 15 16 VIDEOTAPE TECHNICIAN Henry Marte 17 18 19 20 21 22 23 24</p>

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<p>1 - - -</p> <p>2 BY MS. ANTULLIS:</p> <p>3 Q. Good morning.</p> <p>4 A. Good morning.</p> <p>5 Q. Nice to meet you.</p> <p>6 A. You as well.</p> <p>7 Q. My name is Dory Antullis,</p> <p>8 from Robbins, Geller, Rudman & Dowd, I'm</p> <p>9 here for the plaintiffs.</p> <p>10 Please state your full name</p> <p>11 for the record.</p> <p>12 A. Nancy Baran.</p> <p>13 Q. Your address?</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 Q. Are you currently employed?</p> <p>17 A. No, I'm not.</p> <p>18 Q. So you have no business</p> <p>19 address; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. I'm just going to go</p> <p>22 through. Have you been deposed before?</p> <p>23 A. No. This is the first time.</p> <p>24 Q. I'm just going to go through</p>	<p>1 some basic ground rules to help the</p> <p>2 conversation go more smoothly and make</p> <p>3 sure we get a clean record.</p> <p>4 I'm going to ask you a</p> <p>5 series of questions. I ask that you</p> <p>6 allow me to finish the question before</p> <p>7 you respond. If you don't understand a</p> <p>8 question, if I mumble or speak too</p> <p>9 quickly, something I'm guilty of, please</p> <p>10 just ask me to rephrase the question or</p> <p>11 say it louder. If you don't understand</p> <p>12 what I mean, ask me for clarification.</p> <p>13 From time to time your</p> <p>14 attorneys, Jenny or Steve, may object for</p> <p>15 the record. Unless they instruct you not</p> <p>16 to answer the question, you can still</p> <p>17 answer the question to the best of your</p> <p>18 knowledge and ability. We will take</p> <p>19 breaks from time to time. And if you</p> <p>20 need to take a break, at any time just</p> <p>21 let me know. I only ask that you finish</p> <p>22 any questions that we have pending at</p> <p>23 that time and then we'll go ahead and</p> <p>24 take a break if you need to.</p>

<p style="text-align: right;">Page 13</p> <p>1 A. Sure.</p> <p>2 Q. Are you taking any</p> <p>3 medication that would interfere with your</p> <p>4 ability to testify fully and truthfully</p> <p>5 today?</p> <p>6 A. No, I'm not.</p> <p>7 Q. Is there any other reason</p> <p>8 that would interfere with your ability to</p> <p>9 testify fully and truthfully today?</p> <p>10 A. No.</p> <p>11 Q. So the court reporter is</p> <p>12 going to be taking down everything you</p> <p>13 say. When you answer questions and I</p> <p>14 just -- I'm guilty of it. When you</p> <p>15 answer questions with yes or no, that</p> <p>16 makes it much easier for her to -- that</p> <p>17 makes a cleaner record. So we ask that</p> <p>18 you don't say or mm-hmm or unh-unh or</p> <p>19 yeah or nod your head, even though you</p> <p>20 are being videotaped --</p> <p>21 A. I will try that.</p> <p>22 Q. -- or try to enunciate a</p> <p>23 response. I will do my best to keep my</p> <p>24 umms on a minimum. And I make no</p>	<p style="text-align: right;">Page 14</p> <p>1 guarantees.</p> <p>2 You'll see that I'm going to</p> <p>3 be looking some -- on my screen, I've got</p> <p>4 some questions that I want to remember to</p> <p>5 ask you. I'm also going to be fumbling</p> <p>6 through documents. Bear with me.</p> <p>7 A. Okay.</p> <p>8 Q. So do you have any questions</p> <p>9 about what we've gone through so far?</p> <p>10 A. No, not at this time.</p> <p>11 Q. Okay.</p> <p>12 MS. MOBLEY-RITTER: Excuse</p> <p>13 me. Can I get the appearances for</p> <p>14 those on the phone?</p> <p>15 MS. LEVY: This is Jennifer</p> <p>16 Levy from Kirkland & Ellis for the</p> <p>17 Allergan defendants.</p> <p>18 MS. COVERSTONE: This is</p> <p>19 Kaitlyn Coverstone from Kirkland &</p> <p>20 Ellis for the Allergan defendants.</p> <p>21 MR. LUXTON: Steven Luxton</p> <p>22 from Morgan Lewis for the Teva</p> <p>23 defendants.</p> <p>24 MR. LOVRIEN: Chris Lovrien</p>
<p style="text-align: right;">Page 15</p> <p>1 of Jones Day on behalf of Walmart.</p> <p>2 MR. ALLEGAERT: Chris</p> <p>3 Allegaert of Allegaert Berger &</p> <p>4 Vogel for Rochester Drug Co-op.</p> <p>5 MR. JOHNSON: Joel Johnson</p> <p>6 of Williams & Connolly on behalf</p> <p>7 of Cardinal Health.</p> <p>8 MR. DEARMAN: Mark Dearman,</p> <p>9 Robbins Geller, on behalf of the</p> <p>10 plaintiffs.</p> <p>11 MS. ANTULLIS: Who's on the</p> <p>12 phone?</p> <p>13 MS. MOBLEY-RITTER: This is</p> <p>14 Devon Mobley-Ritter of Covington</p> <p>15 and Burling for McKesson.</p> <p>16 MS. ANTULLIS: Is that</p> <p>17 everybody?</p> <p>18 MR. McCORMICK: Good</p> <p>19 morning. This is Sean McCormick</p> <p>20 from Arnold & Porter for the Endo</p> <p>21 and Par defendants.</p> <p>22 BY MS. ANTULLIS:</p> <p>23 Q. I'm going to show you what</p> <p>24 we're going to mark as Exhibit 1.</p>	<p style="text-align: right;">Page 16</p> <p>1 (Document marked for</p> <p>2 identification as Exhibit</p> <p>3 Baran-1.)</p> <p>4 BY MS. ANTULLIS:</p> <p>5 Q. Tab 1. Have you seen this</p> <p>6 document before?</p> <p>7 A. Yes, this is -- no, I did</p> <p>8 not.</p> <p>9 Q. Okay.</p> <p>10 A. This is not my invitation,</p> <p>11 this isn't what I thought it was. I'm</p> <p>12 sorry.</p> <p>13 MR. ALLEGAERT: Could I ask</p> <p>14 the witness to please keep her</p> <p>15 voice up. It's hard to hear down</p> <p>16 here.</p> <p>17 THE WITNESS: Certainly.</p> <p>18 MR. ALLEGAERT: Thank you.</p> <p>19 BY MS. ANTULLIS:</p> <p>20 Q. All right. So you haven't</p> <p>21 had an opportunity to review this yet?</p> <p>22 A. I have not seen this</p> <p>23 document, no.</p> <p>24 Q. Do you understand that</p>

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1 you're here to testify in -- to give
 2 testimony in the case that's reflected in
 3 the caption on that document?
 4 A. Yes. I understand the
 5 subject matter. Yes.
 6 Q. And do you understand that
 7 you've been sworn in under oath as if you
 8 were in a court of law?
 9 A. Correct.
 10 Q. And what does that mean to
 11 you?
 12 A. To testify with -- to the
 13 best of my knowledge and honestly and
 14 accurately.
 15 Q. And how -- if you -- how
 16 were you invited to attend this
 17 deposition?
 18 A. I was contacted by Teva's
 19 attorneys, notified that I was being
 20 invited to a deposition. They notified
 21 me, I think it was by e-mail.
 22 Q. Would that have been Steve
 23 or someone else?
 24 A. Someone from his firm.

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1 the phone?
 2 A. In person.
 3 Q. And how many people were
 4 there?
 5 A. Four.
 6 Q. And were those people
 7 attorneys?
 8 A. Yes, they were.
 9 Q. Was anyone not an attorney?
 10 A. No.
 11 Q. How long did that meeting
 12 last?
 13 A. A few hours.
 14 Q. A few hours?
 15 A. Yeah. A better part of the
 16 day. I would say maybe six hours. I
 17 don't know. Yeah, it was about six
 18 hours.
 19 Q. And do you remember who
 20 those people were?
 21 A. Yes. And if you don't mind,
 22 I -- having just met them, I didn't want
 23 to mess any names up. So I brought with
 24 me a card. So Arcangelo's last name for

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1 Q. Someone from his firm. Do
 2 you happen to remember who that was?
 3 A. Someone by the name of
 4 Arcangelo.
 5 Q. Did you have any
 6 conversations with Mr. Arcangelo
 7 regarding the deposition?
 8 A. Yes, I did.
 9 Q. Do you remember how many
 10 times you talked to him?
 11 A. By phone, two to three
 12 times.
 13 Q. And do you remember how long
 14 each of those conversations were?
 15 A. One or two were very, very
 16 brief. The third was a little bit more
 17 in detail.
 18 Q. Have you met with any other
 19 attorneys or any other people in your
 20 preparation for this deposition?
 21 A. Yes, I have.
 22 Q. Okay. How many times?
 23 A. One occasion.
 24 Q. And was that person or on

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1 the record is Cella. He is from Morgan
 2 Lewis. Steven, who's here today. And
 3 then our two attorneys that are sitting
 4 on my left on the Allergan side were
 5 present as well.
 6 Q. Okay. Do any of the
 7 attorneys sitting next to you represent
 8 you?
 9 A. Yes, they do. Both.
 10 Q. Both being Jennifer --
 11 A. Both firms.
 12 Q. Okay. So that would be all
 13 three attorneys sitting next to you?
 14 A. That's correct.
 15 Q. When you prepared for the
 16 deposition, when you had the six-hour
 17 meeting, did you review any documents?
 18 A. Yes.
 19 Q. Do you remember what the
 20 context of those documents were?
 21 A. There were -- there were
 22 different documents. Some of them were
 23 just e-mails discussing the subject
 24 matter.

<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. Do you remember how</p> <p>2 many documents approximately?</p> <p>3 A. Not too many. I would say</p> <p>4 less -- less than 12, certainly.</p> <p>5 Q. Less than 12?</p> <p>6 A. Yeah.</p> <p>7 Q. Did any of those documents</p> <p>8 help you refresh your memory about your</p> <p>9 time at Actavis, Allergan and Teva?</p> <p>10 A. It did. But to be honest</p> <p>11 with you, in looking at them, it's almost</p> <p>12 like it was yesterday. They were very</p> <p>13 familiar to me.</p> <p>14 Q. Okay. Did you review any</p> <p>15 other documents outside of documents that</p> <p>16 you kept in the ordinary course of</p> <p>17 business, such as news articles, journal</p> <p>18 articles, court documents?</p> <p>19 A. The only thing I reviewed is</p> <p>20 a copy of a presentation I had done on</p> <p>21 the subject matter just to refresh</p> <p>22 myself, because it's been seven years</p> <p>23 since I managed this process. And on</p> <p>24 the -- if I get into the details, I</p>	<p style="text-align: right;">Page 22</p> <p>1 wanted to make sure that there wasn't</p> <p>2 anything pertinent that I forgot. So I</p> <p>3 did review a presentation that I had</p> <p>4 prepared several years ago. It was like</p> <p>5 a status report.</p> <p>6 Q. Do you remember who that</p> <p>7 presentation -- who you made that</p> <p>8 presentation to?</p> <p>9 A. It was a presentation that I</p> <p>10 would have done leading the SOM project</p> <p>11 to our steering committee.</p> <p>12 Q. Okay. So it would have been</p> <p>13 a presentation you did during the course</p> <p>14 of your employment --</p> <p>15 A. Yes.</p> <p>16 Q. -- with Actavis?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Have you reviewed a</p> <p>19 copy of the complaint that's been filed</p> <p>20 in this litigation?</p> <p>21 A. No, I have not. Is that</p> <p>22 what this is?</p> <p>23 Q. Yeah.</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Has anyone summarized the</p> <p>2 allegations for you?</p> <p>3 A. Yeah. And that was the</p> <p>4 benefit of the meeting with the</p> <p>5 attorneys. Telling me what I was here</p> <p>6 for so I understood what this was all</p> <p>7 about.</p> <p>8 Q. And that was the single</p> <p>9 six-hour meeting that you referred to</p> <p>10 earlier with the four attorneys?</p> <p>11 A. Yes. And then the one phone</p> <p>12 discussion.</p> <p>13 Q. With Arcangelo?</p> <p>14 A. Yes.</p> <p>15 Q. And that was the longer</p> <p>16 phone conversation?</p> <p>17 A. And there was someone else</p> <p>18 on the phone. I apologize. I don't</p> <p>19 remember. My focus was with Arcangelo,</p> <p>20 because I was dealing with him on</p> <p>21 logistics and my availability. So I</p> <p>22 don't recall who else was on the phone</p> <p>23 call. I know who was in the in-person</p> <p>24 meeting. The phone call, I apologize I</p>	<p style="text-align: right;">Page 24</p> <p>1 don't remember outside of Arcangelo.</p> <p>2 Q. Okay. Do you remember about</p> <p>3 how long that one -- that phone call was?</p> <p>4 A. I would say less than an</p> <p>5 hour. About an hour.</p> <p>6 Q. Okay. About an hour?</p> <p>7 A. Yeah.</p> <p>8 Q. Did you bring any documents</p> <p>9 with you today --</p> <p>10 A. No, I didn't.</p> <p>11 Q. -- to the deposition?</p> <p>12 A. No. I brought my little</p> <p>13 cheat sheet, business cards so I have --</p> <p>14 Q. To help you remember?</p> <p>15 A. -- the last names.</p> <p>16 Q. Understood. When you were</p> <p>17 preparing for the deposition, did you</p> <p>18 review any of your own personal paper or</p> <p>19 electronic files?</p> <p>20 A. Just what I mentioned to you</p> <p>21 earlier.</p> <p>22 Q. So you reviewed the</p> <p>23 presentation through your own personal</p> <p>24 files?</p>

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1 A. Yes.

2 Q. Okay. And you have not
3 brought that with you today; is that
4 correct?

5 A. No.

6 Q. Did you provide that
7 document to your attorneys?

8 A. I did not, but that was one
9 of the documents they had, and that was
10 what we looked -- one of the documents we
11 looked at. It wasn't anything new to
12 them.

13 Q. So you looked at a copy of a
14 presentation that you had in your own
15 files that you then also saw from the
16 attorneys during your meeting with them;
17 is that correct?

18 A. That's correct.

19 Q. Okay. Have you spoken with
20 any current employees at Actavis,
21 Allergan, Teva -- forgive me, I'm going
22 to -- I will start using Actavis to refer
23 to the entities that you worked for,
24 Actavis, Allergan and Teva.

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1 A. Yes.

2 Q. And who was that?

3 A. Dan Motto, M-O-T-T-O.

4 Q. Dan Motto?

5 A. Yes.

6 Q. So am I understanding
7 correctly that you contacted Dan Motto to
8 discuss a job interview that you are
9 going to attend?

10 A. No. I found a job
11 opportunity, because I'm currently
12 searching. I interviewed. And during
13 the course of that five-hour interview
14 with seven different people from the
15 company, he was one of the meetings that
16 I met with. And because he happened to
17 be a former employee.

18 Q. I see.

19 A. And we were talking about my
20 scheduling and availability, I just
21 mentioned it. But he would be the only
22 former person linked to the company that
23 I would have even mentioned this to.

24 Q. Okay. So you are not

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1 A. I know. It's confusing.

2 Q. But for right now I'm going
3 to say, have you spoken with any current
4 or former employees at Actavis?

5 A. I spoke with one employee.
6 It happened to just be through a job
7 interview, and it just came up in
8 dialogue when we were talking about
9 scheduling and my availability. I said,
10 "Oh, I'm invited to my first deposition."
11 Not even really knowing much about what
12 this was about.

13 And that was a former
14 employee of the company, but it's one I
15 really never even worked with. I mean,
16 the type of employee you saw in the
17 hallway, you knew of him, he probably
18 knew of me. But we really never worked
19 together. So it just came up in the
20 context of a job interview when we were
21 talking about scheduling, but we didn't
22 talk about it at any -- in any detail.

23 Q. Okay. So do you remember
24 that person's name?

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1 currently in contact then with any -- any
2 current or former employees, other than
3 this one instance during a job interview;
4 is that correct?

5 A. That's -- other than one
6 employee that referred me to the
7 position. If that's relevant.

8 Q. Who is the employee that
9 referred you to the position?

10 A. Kathleen Carlson. She was
11 in contracts. She had done some work for
12 the company just on a consulting basis.
13 In the interim they needed some process
14 help. And I believe they were seeking
15 her for this role and she was not
16 interested and she said I know a great
17 person that was outplaced as a result of
18 the Teva acquisition, as a synergy. So
19 she referred me. But that was the extent
20 of it. You know, she passed me on as a
21 candidate.

22 Q. Understood. Are you
23 currently married?

24 A. Yes.

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1 Q. Have you spoken about this
2 with your spouse, the deposition?
3 A. Yes. Not in any -- any
4 length. We never really make a habit of
5 talking about work, but he knows
6 obviously where I am today and -- and why
7 I had to be, you know, out of the house.
8 So, yeah.
9 Q. Have you spoken to anybody
10 else about the deposition?
11 A. No one else other than my
12 kids who were tracking me and -- and
13 wondering like, where I was going on my
14 phone. I very briefly had to say I am
15 going to do some work for a former
16 company that I was with. But they
17 wouldn't really understand what a
18 deposition is, so...
19 That would be the extent of
20 it.
21 Q. I'm laughing because I do
22 that to my mother all the time.
23 A. Yeah. Yeah, they -- they
24 stalk me a little bit. So they know

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1 Q. Have you spoken with any
2 current or former employees at Insys?
3 A. No.
4 Q. Have you spoken with any
5 current or former employees at
6 Mallinckrodt?
7 A. No.
8 Q. Have you spoken with any
9 former or current employees of
10 AmerisourceBergen?
11 A. No.
12 Q. Have you spoken with any
13 current or former employees of Cardinal
14 Health?
15 A. No.
16 Q. Have you spoken with any
17 current or former employees of Walgreens?
18 A. No.
19 Q. Have you spoken with any
20 current or former employees of Walmart?
21 A. No.
22 Q. Have you spoken with any
23 current or former employees of Rite Aid?
24 A. No.

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1 where I am.
2 Q. Are you familiar with the
3 defendants in this litigation?
4 A. To -- to its entirety, no, I
5 am not. I know that Actavis and Allergan
6 are, because that's why I'm here today.
7 Beyond that, I really do not know.
8 Q. So let me ask you then.
9 Have you spoken with any current and
10 former -- current or former employees at
11 Purdue?
12 A. No. I don't even know if I
13 know anyone at Purdue.
14 Q. Have you spoken with any
15 current or former employees at Janssen?
16 A. That would be the same
17 answer. No, I don't believe I even know
18 anyone at Janssen.
19 Q. Have you spoken to any
20 current -- I'm sorry, I have to do this.
21 A. That's okay.
22 Q. Have you spoken with any
23 current or former employees at Endo?
24 A. No.

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1 Q. Have you spoken with any
2 current or former employees of McKesson?
3 A. No.
4 Q. Do you have a relationship
5 with any current or former employees at
6 any of these entities I just listed?
7 A. The only relationship I can
8 think of would be my sister-in-law who
9 used to work for Walgreens. She managed
10 a local retail location. She is not
11 currently with them. And to be honest I
12 can't tell you the last time I even spoke
13 with her. It's been a long time. Like
14 more than a year.
15 Q. So is it safe to assume that
16 you haven't spoken to her about the case
17 or the deposition?
18 A. That is correct.
19 Q. Okay. Are you -- well,
20 first of all, what company were you
21 interviewing with, if you don't mind
22 sharing?
23 A. Hikma Pharmaceuticals.
24 Q. Hikma?

<p style="text-align: right;">Page 33</p> <p>1 A. Hikma, H-I-K-M-A.</p> <p>2 Q. Thank you. And what</p> <p>3 position were you interviewing for at</p> <p>4 Hikma?</p> <p>5 A. It was a confidential</p> <p>6 position because there is still a person</p> <p>7 in that role. So, I don't know, is this</p> <p>8 information going to be shared? I don't</p> <p>9 want to --</p> <p>10 MS. LEVY: Do you really</p> <p>11 need that?</p> <p>12 MS. ANTULLIS: No --</p> <p>13 THE WITNESS: It was a very</p> <p>14 similar role to what I used to do,</p> <p>15 with some new and additional</p> <p>16 responsibilities which represented</p> <p>17 career growth to me. I was able</p> <p>18 to manage some of the contractual</p> <p>19 aspects, some different things I</p> <p>20 haven't done yet, on top of what</p> <p>21 I've been doing my entire career.</p> <p>22 So it -- it was an opportunity</p> <p>23 that represented career growth.</p> <p>24 BY MS. ANTULLIS:</p>	<p style="text-align: right;">Page 34</p> <p>1 Q. So what I am trying to get</p> <p>2 at, and you're hinting at it here, is</p> <p>3 what are your -- what would be your</p> <p>4 responsibilities in that position, what</p> <p>5 are you looking to do?</p> <p>6 A. In that role, I would have</p> <p>7 similar responsibilities to what I built</p> <p>8 my career around, which is managing the</p> <p>9 order to cas -- order to cash, excuse me,</p> <p>10 and the customer relations team. In</p> <p>11 addition to that, there was going to be</p> <p>12 some additional roles in terms of</p> <p>13 cleaning up some of their -- how do I</p> <p>14 describe it? This was new to me, this</p> <p>15 was the new aspect of the role, so I just</p> <p>16 want to make sure I state it clearly.</p> <p>17 Where they had, you know,</p> <p>18 contractual obligations to their customer</p> <p>19 in terms of, you know, reviewing things</p> <p>20 like returns is a good example. I</p> <p>21 typically didn't manage returns. So that</p> <p>22 would be a new element. And there was a</p> <p>23 couple other things in this role that</p> <p>24 intrigued me because, A, I am very</p>
<p style="text-align: right;">Page 35</p> <p>1 actively interested in gaining employment</p> <p>2 again. I don't like sitting home being a</p> <p>3 stay-at-home mom.</p> <p>4 But, B, the career</p> <p>5 opportunity was everything I'm good at,</p> <p>6 and -- and some new things. So it was</p> <p>7 career growth. It's the best way to</p> <p>8 describe it.</p> <p>9 Q. I understand. Thank you.</p> <p>10 Are you being -- are you</p> <p>11 being reimbursed by anyone for your</p> <p>12 expenses in connection with this</p> <p>13 deposition?</p> <p>14 A. No. While that would be</p> <p>15 nice, that's not the case.</p> <p>16 Q. Are you being paid by anyone</p> <p>17 for your time in connection with your</p> <p>18 attendance at or preparation for this</p> <p>19 deposition?</p> <p>20 A. No.</p> <p>21 Q. So I believe I am going to</p> <p>22 show you Exhibit Number 2.</p> <p>23 (Document marked for</p> <p>24 identification as Exhibit</p>	<p style="text-align: right;">Page 36</p> <p>1 Baran-2.)</p> <p>2 BY MS. ANTULLIS:</p> <p>3 Q. So I will represent to you</p> <p>4 that Exhibit 2 is a printout of your</p> <p>5 LinkedIn profile that I was able to find</p> <p>6 online. I just want you to look through</p> <p>7 it --</p> <p>8 A. Okay.</p> <p>9 Q. -- and tell me whether or</p> <p>10 not you have any reason to believe that</p> <p>11 this is not an accurate reflection of</p> <p>12 your current LinkedIn profile.</p> <p>13 A. Having scanned it, it looks</p> <p>14 to be pretty accurate.</p> <p>15 Q. So you believe that this is</p> <p>16 an -- an accurate reflection of your</p> <p>17 profile?</p> <p>18 A. Yeah. That -- the format</p> <p>19 looks a little different, but, yes.</p> <p>20 Q. Okay. And does the</p> <p>21 information contained therein reflect</p> <p>22 your -- your professional career</p> <p>23 development through July 2018?</p> <p>24 A. Yes, it would.</p>

1 Q. Okay. So I would like to go
2 through this with you. Starting at the
3 back, your education, it says that you
4 went to, forgive me if I -- if I
5 pronounce this incorrectly, Ramapo
6 University; is that correct?
7 A. Ramapo, correct.
8 Q. Ramapo University. What did
9 you study at Ramapo University?
10 A. Business administration.
11 Q. What does business
12 administration entail?
13 A. Business management.
14 Q. Okay.
15 A. I mean beyond that, it's --
16 it's -- I mean how do you describe
17 business management, right? That's
18 funny, I've never been asked that
19 question. It's just general business on
20 how to be successful in the corporate
21 world and -- and how to be well rounded
22 and -- and all the basic criteria that
23 you take, you know, in college.
24 Q. When did you -- and did you

1 graduate from Ramapo University?
2 A. Yes, I did.
3 Q. And when was that?
4 A. January 1990.
5 Q. January 1990?
6 A. Yes.
7 Q. And did you -- what -- you
8 got a bachelor of science in business
9 administration?
10 A. That's correct.
11 Q. Was there a major, an area
12 of concentration involved in -- in your
13 degree?
14 A. Management.
15 Q. Management?
16 A. Yeah.
17 Q. Were there other areas of
18 concentration available at the
19 university?
20 A. Oh, I'm sure there were
21 available, yeah.
22 Q. So then, you went to
23 Cranfield University, Cranfield School of
24 Management; is that correct?

1 A. Yes. That's a little
2 deceiving. It's there to look -- make
3 myself to look enticing to future job
4 employers if we want to be honest.
5 It's -- it's not a -- I didn't go there
6 as a university as you might imagine.
7 Actavis, actually, was very good at
8 providing career development
9 opportunities in terms of developing
10 their employees, and I was able to travel
11 to England and spend a week and study in
12 a management program at Cranfield
13 University. So it's not that I was there
14 a semester or a year or longer. It was a
15 very brief period of time.
16 Q. Do you remember when you
17 went?
18 A. No, I do not.
19 Q. Do you remember the
20 approximate time frame? Was it -- let me
21 restate the question. Was it early in
22 your time at Actavis?
23 A. Yes. It was within the
24 first four years. I don't remember the

1 exact time. But it was definitely within
2 the first couple of years.
3 Q. Okay. And did Actavis pay
4 for it?
5 A. Yes, they did.
6 Q. And did that -- they paid
7 for your travel?
8 A. Yes.
9 Q. What did you study during
10 that week?
11 A. You know, to be honest,
12 it's -- it's a little bit of a blur. I
13 don't recall specifics but it was
14 teaching you different things about group
15 dynamics and working well as a team.
16 Beyond that, I don't -- I don't recall.
17 I know it was a good opportunity. But I
18 don't remember a recall a lot of the
19 details. I'm sorry.
20 Q. No need to apologize. Do
21 you remember if you got a certificate of
22 some kind?
23 A. Yes, I got a certificate.
24 I'm not really sure what the certificate

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1 said, you know, other than probably you
2 completed this week session. But beyond
3 that, I don't recall. It was a paper
4 certificate.

5 Q. My apologies. Did you
6 receive other kinds of training while you
7 were at Actavis?

8 A. Yes.

9 Q. And were any of them
10 external trainings like the one that you
11 attended at Cranfield University,
12 external meaning external to --

13 A. Yeah, the only thing that
14 I'm trying to recall for example American
15 Management Association had all kinds of
16 seminars. I'm trying to -- I mean I know
17 I sent my team to some. I'm trying to
18 remember if I did any external. I went
19 to conferences.

20 Whether I went to any
21 external training, to be honest with you,
22 I don't -- I don't recall.

23 Q. Do you remember what kinds
24 of conferences you attended while you

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1 were at Actavis?

2 A. There was a conference that
3 I recall. I'm not sure when. It was run
4 by an organization, ICSA. It was an
5 International Customer Serve Association.

6 I also went to a DEA
7 compliance meeting somewhere in the
8 Maryland/Washington area. I don't recall
9 where that was. Those are the two that I
10 remember.

11 Q. And the DEA compliance
12 meeting, was the DEA compliance meeting a
13 conference?

14 A. Yes. It was a conference
15 run by what I would deem a vendor called
16 Cegedim Compliance Solutions. And they
17 were really bringing the industry
18 together educating on the topic and you
19 know, regulations and all that.

20 Q. Do you remember
21 approximately when that conference took
22 place?

23 A. No, I do not. I could
24 estimate within a few years. But I don't

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1 remember exactly when it was.

2 Q. Could you estimate within a
3 few years?

4 A. Yeah. So let's backtrack a
5 minute. I started with Actavis in
6 January of -- what year are we in --
7 2008. I think we were acquired by Watson
8 and became a combined company maybe
9 somewhere between four and five years
10 after that. So maybe around 2012, the
11 fall.

12 So it would have been
13 roughly, I'm going to guesstimate 2010 to
14 '12. But that's a guess, I'm sorry.

15 Q. Thank you. So next we're
16 going to go to your first job that you've
17 listed on the LinkedIn profile.
18 Datascope Corp., international
19 coordinator; is that correct?

20 A. That's correct.

21 Q. It says that you started in
22 1992 and worked there for two years in
23 Montvale, New Jersey. Is that correct?

24 A. Give me one moment.

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1 Q. Sure.

2 A. Because I didn't think it
3 was '92. I thought it was '90. Let's
4 see. It's not on the last page. That's
5 why. So it wasn't '92. I had a feeling
6 that was wrong.

7 Q. Okay.

8 A. It was 1991. If I remember
9 correctly, October 7th was my start day.

10 Q. Wow.

11 A. I don't know why I remember
12 that. But I -- but I do.

13 Q. It was October 7th?

14 A. 1991.

15 Q. Right. That's what -- it
16 says 1991, 1992.

17 A. Yes.

18 Q. So as a domestic account
19 representative at Datascope, what were
20 your job duties?

21 A. Just to step back a minute
22 to clarify. When you mentioned that I
23 worked at Datascope from 1991 to 92, it
24 was much longer than that. All the

1 positions above that are with the same
2 company. So that time period was just
3 one role within the company. I spent
4 13 years there.

5 Q. Right. I am trying to
6 understand over time --

7 A. Perfect.

8 Q. -- what your -- what your
9 responsibilities were.

10 A. Okay.

11 Q. But were your
12 responsibilities consistent across the
13 13 years?

14 A. No. I had consistent
15 increasing responsibilities over that
16 period. But now I'll go back and
17 apologize. To answer your original
18 question, as a domestic account
19 representative, this was -- my first real
20 job out of college I was doing data
21 processing, order entry, customer
22 service, making sure the customers' needs
23 were met, making sure orders were
24 shipping properly and accurately.

1 A. Yes. Exactly.

2 Q. All right. So then, it says
3 in 1994 you transitioned to manager of
4 global customer service and sales
5 support, and that you were in that role
6 for eight years; is that correct?

7 A. That's correct.

8 Q. Okay. The first sentence
9 here, it says that you built the new
10 customer service department from the
11 ground up and spearheaded all phases of
12 org management and customer service.

13 A. That's correct.

14 Q. Can you tell me what
15 building the customer service department
16 from the ground up entailed?

17 A. Okay. So the company at the
18 time really had two business units. They
19 had a cardiac assist division and they
20 had a patient monitoring division which
21 focused on different products.

22 At the time, prior to my
23 taking this role, the customer service
24 function was consolidated. A decision

1 Q. And when you say customer
2 needs, how would you define those needs?

3 A. Making sure if they placed
4 an order, that the orders were processed
5 accurately, based on the terms and
6 conditions of the purchase order. I
7 guess that's the best way to describe it.

8 Q. What kind of company is
9 Datascope?

10 A. So Datascope is no longer in
11 existence today. But Datascope was a
12 medical device manufacturer.

13 Q. Okay. And so did your job
14 responsibilities change significantly
15 when you were promoted to international
16 coordinator?

17 A. I wouldn't use the word
18 significantly. It just shifted from a
19 domestic to an international, roles doing
20 very similar responsibilities. And the
21 only difference, I would say, would be
22 international was a little bit more
23 complex, so...

24 Q. So it was more interesting?

1 was made that they wanted more focused
2 groups that would support the two
3 businesses independently. And also
4 instead of in the corporate headquarter
5 locations, to be in their physical
6 buildings in their units. So they split
7 the team.

8 The majority of the group,
9 based on location, all wanted to go to
10 the patient monitoring division which was
11 located in Paramus, New Jersey. Very few
12 wanted to go to the cardiac division,
13 simply based on location, which was in
14 Fairfield, New Jersey, virtually in my
15 backdoor.

16 It was a great opportunity
17 for me. To describe it as you requested,
18 I was given a blank sheet of paper and
19 said, "Here's your department, go build
20 it." I was responsible for making
21 decisions on staffing, hiring, training,
22 making sure the processes were supporting
23 the business and the customers and so
24 forth.

1 Q. Did you have a software
2 program or database that you used at
3 Datascope to help you manage and keep
4 track of customer orders?

5 A. Yes, we did. Yes. That's
6 an easy answer. I was just preparing for
7 the next question you may have about
8 which one it was.

9 Q. Well, did you -- did you
10 implement the use of the software
11 program?

12 A. It depended on when you
13 would ask that question. Initially in
14 the early days, no, I did not. But later
15 on in my career there, yes, I took an
16 active role in implementing an ERP
17 system.

18 Q. That's part of -- you called
19 it an ERP system. What does ERP stand
20 for?

21 A. Enterprise resource
22 planning. It's where the order-to-cash
23 activities take place.

24 Q. Okay. Does the ERP system

1 allow you to track sales?

2 A. Sure, yes.

3 Q. Does the ERP system allow
4 you to track customer returns?

5 A. Yes.

6 Q. Okay.

7 A. But --

8 Q. Sorry.

9 A. It does, but I don't recall
10 if our returns were inhouse or
11 outsourced. I'm sorry. That was 15,
12 18 years ago. I'm going to have to say
13 on that question, probably, yeah.

14 Q. As part of your role as a
15 manager of global customer service and
16 sales support, did you have regular
17 meetings with company leadership?

18 A. Yes.

19 Q. And what sorts of things did
20 you discuss at those meetings?

21 A. You know, business needs,
22 staffing. You know, whether it be
23 meeting with human resources on employee
24 performance on how, you know -- coaching

1 and developing, building the team and
2 making sure they had the tools they need,
3 working with the technical groups, IT, on
4 making sure the teams had the right tools
5 they need to be successful. It depended
6 on which area of the business you'd be
7 talking with, but sure, when you're in a
8 customer service role, it's normal course
9 of business to communicate with
10 management, so I would say the answer to
11 that would be yes.

12 Q. Okay. Thank you. So you
13 stayed at Datascope through 2003; is that
14 correct? 2004, my apologies.

15 A. Let me just verify that for
16 a moment. That's correct.

17 Q. And so it says that your
18 final role there, your -- your final
19 position was project manager ERP system
20 implementation?

21 A. Yes.

22 Q. Is that the implementation
23 that we were talking about a few minutes
24 ago?

1 A. That's correct.

2 Q. Okay. So the -- in 2002, is
3 that when you brought a software
4 system -- you -- you implemented a
5 software system into the company's
6 customer service department?

7 A. That's correct.

8 Q. Okay. As part of -- as part
9 of your role either as a project manager
10 or as the manager of global customer
11 service, did you ever discuss things
12 like -- did you ever discuss market share
13 with company leadership?

14 A. No. That would not have
15 been in my responsibilities, no.

16 Q. Were there sales targets set
17 for -- were there sales -- sales targets
18 set for sales personnel at the company?

19 A. Oh, I'm sure, absolutely.

20 Q. Okay. Were you aware of
21 what those sales targets were?

22 A. No. It did not impact my
23 role whatsoever.

24 Q. Did you track revenue?

1 A. I did not, no.

2 Q. Okay. Let's go onto

3 Aircast. It says that you were a senior
4 manager for global customer service.

5 A. Yes.

6 Q. 2005 to 2007. What were
7 your job duties at Aircast?

8 A. So just to clarify on
9 record. 2005 to 2007 makes it look as
10 though I was there for two years. I was
11 not, but when you have a resum , you play
12 with the months a little bit. I was
13 there early in one year and -- and left
14 early in the other year. So I was not
15 there two years.

16 Now, to answer your
17 question, which, I'm sorry, can you
18 repeat?

19 Q. I asked -- I asked, while
20 you were at Aircast what were your
21 general job duties.

22 A. Okay. Job duties. Aircast
23 was a medical device company as well.
24 And my job duties were very similar to my

1 exceptions. Working with the
2 distribution on the shipping process.
3 Dealing with anything that may result
4 from that. Maybe something was shipped
5 to an incorrect address. Anything that
6 would be included in that entire stretch,
7 that entire process. Up to the point --
8 point when the invoice is sent out.

9 Not including any type of
10 receivables or collection activity. That
11 was never in the scope of my
12 responsibility.

13 Q. Okay. So is it fair to say
14 that prior to your employment at Actavis,
15 you worked in customer service?

16 A. Prior to my employment with
17 Actavis or Aircast?

18 Q. Actavis.

19 A. So you're back to Actavis.
20 So prior to Actavis?

21 Q. Yes.

22 A. I was -- I wouldn't say I
23 was in customer service.

24 Q. Okay.

1 prior company although it was a much
2 smaller business, different product
3 lines. But essentially the same thing,
4 managing the order to cash process.

5 Q. Would you mind explaining to
6 me what the order to cash process is?

7 A. Anything it takes to do
8 business in terms of making sure your
9 customer master data is set up properly,
10 you know, you're going to ship -- you're
11 going to send invoices to the correct
12 address. You're going to ship to the
13 correct address. Making sure that when
14 you get a purchase order in, that you're
15 following the terms and conditions as
16 stated in that purchase order. In other
17 words -- you know, a customer can't come
18 in and ask for all kinds of crazy things
19 that you can't fulfill. And -- and then
20 accept that purchase order, right.

21 So processing it. Making
22 sure that the pricing the company is
23 stating is matching what the customer is
24 expected. Dealing with any deviations or

1 A. I was in a different line of
2 customer service. But that's not
3 reflected even on -- on my profile. I
4 was in retail. You said prior to -- oh,
5 I'm -- I'm sorry, I apologize. I
6 misunderstood the question.

7 Q. My question was probably
8 unclear.

9 A. I'm with the wrong company.
10 So you said prior to
11 Actavis --

12 Q. Right.

13 A. -- I thought you were saying
14 prior to Datascope. My apologies.

15 Q. So I apologize. Let me ask
16 it differently.

17 From 1991, your first job at
18 Datascope, through 2007 --

19 A. Yeah.

20 Q. -- were you working
21 primarily in a customer service role?

22 A. Yes. Sorry, I didn't
23 understand your question originally.

24 Q. And from -- from 1991

<p style="text-align: right;">Page 57</p> <p>1 through 2007, were you working in 2 distribution management? 3 A. Prior to -- what was the 4 year you were saying? 5 Q. 1991, just prior to your 6 employment with Actavis, so from your 7 first job in 1991 -- 8 A. Okay. 9 Q. -- your first job listed on 10 your LinkedIn profile, from 1991, through 11 2007, were you working in the supply 12 chain -- 13 A. No, I wouldn't -- I would 14 never consider myself having worked in 15 supply chain and distribution. 16 Q. Okay. 17 A. Partnered with them, but, 18 no, that was not my responsibility. 19 Q. Okay. Would you -- would 20 you please describe -- you -- you said 21 that you partnered with distribution 22 management. Can you explain what that 23 means, what the word "partnered" means in 24 that context?</p>	<p style="text-align: right;">Page 58</p> <p>1 A. Sure. When you work in a 2 customer service environment, you have to 3 partner with many cross-functional areas, 4 including those two, but not limited to. 5 So if you -- distribution as 6 an example. When orders are passed to 7 distribution, if they have any questions 8 on fulfillment, let's just say the system 9 said there was inventory and it gets to 10 the distribution group and there isn't, 11 or -- anything that it takes to make them 12 successful on fulfilling the obligations 13 of what we're asking of them, you know, 14 working with them on different carrier 15 selection perhaps, some customers had 16 different carrier requirements. So 17 anything it would take for them to 18 fulfill their obligation, we were -- we 19 were there to support and we partnered 20 together, because at the end of the day 21 our goal was the same, so... 22 The other -- the other group 23 was supply chain, to answer to that. 24 Supply chain is, you know, traditionally</p>
<p style="text-align: right;">Page 59</p> <p>1 responsible for, you know, building 2 inventory, whether it be building to 3 forecast or whatever mechanism the 4 company is using. 5 And, you know, sometimes if 6 an order came in, we may have to check 7 inventory to see if it's something that 8 we could fulfill or we may be on back 9 order. And we would partner with groups 10 like that so that we had the proper 11 information to give our customers the 12 answers they needed, you know, in terms 13 of supply. And that's pretty common in 14 whether it be medical devices, supply 15 chain, or many other industries, I'm 16 sure. 17 Q. Thank you. 18 A. Yeah. 19 Q. So we're now going to talk 20 about your -- your time at 21 Actavis/Allergan/Teva. 22 A. Mm-hmm. 23 Q. We can go through the 24 LinkedIn profile, but I would like to</p>	<p style="text-align: right;">Page 60</p> <p>1 start with, just by asking you -- let me 2 see how I want to phrase this. 3 A. I'll take a drink. 4 Q. Take a drink. 5 What would you say your 6 career at Actavis -- what would you say 7 was the focus of your career at Actavis? 8 A. Let's see. The best way 9 to -- to describe that. So in a company 10 you have many different cross-functional 11 areas. And everybody has got their jobs 12 and their focus, right. 13 But to be a good partner, in 14 this case, manufacturer, you always have 15 to keep the customer's needs in mind. 16 And the customer means many different 17 things. 18 The customer could be 19 someone down the hall in another 20 department, was my customer. 21 The customer could be our 22 wholesalers, our distributors, our retail 23 chains. Or the customer, at the end of 24 the day, is the patient.</p>

1 If I were to describe my
2 career in -- in a nutshell, I would say
3 that I personally took ownership of
4 making sure that the customer's voice was
5 heard and the customer's needs were met.
6 And that we always did the right thing,
7 and we operated to the best of our
8 ability. I don't know. It's the only
9 way I can describe them.

10 I'm very passionate about
11 what I do. And, you know, I put a lot of
12 myself into my role.

13 Q. He's got horrible
14 handwriting.

15 So you started -- is it
16 correct to say that you started at
17 Actavis in 2008 as a director of customer
18 service?

19 A. No, that would not be
20 correct. I started out at Actavis, I
21 believe my first role was manager. And
22 then I had several different progressions
23 throughout my career. I think after
24 manager I went to team leader, senior

1 described earlier. Managing the order
2 process, managing customer purchase
3 orders, EDI transactions, shipments,
4 anything, anything of that nature. And I
5 had a team that supported me.

6 Q. Did you have any involvement
7 with the suspicious order monitoring
8 program at that time?

9 Hold on. Let me -- let me
10 back up.

11 A. Sure.

12 Q. Was there a suspicious order
13 monitoring program at Actavis when you
14 started in 2008?

15 A. Yes.

16 Q. Did you have any involvement
17 with the suspicious order monitoring
18 program at Actavis in 2008?

19 A. Yes.

20 Q. What was your involvement
21 with the suspicious order monitoring
22 program in 2008?

23 A. So specifically at that
24 time, my involvement -- and I want to

1 manager, director, and executive
2 director. I don't think there was
3 another step before director. I think
4 there was five or so different titles
5 over the course of what amounted to nine
6 years.

7 Q. So I notice in your -- in
8 your description under Actavis, director
9 of customer service, it says that you
10 were an associate director at some point.
11 Does that help refresh your memory?

12 A. Like I said, before director
13 I wasn't sure if there was another step,
14 but that's very likely. Because that was
15 quite typical of the progression.

16 Q. So when you started at
17 Actavis, what were your initial job
18 duties?

19 A. So when I started at
20 Actavis, you know, we were a much smaller
21 company at the time. I had a fairly
22 small team, but big enough to manage our
23 book of business. And I was responsible
24 for, you know, very -- very much what I

1 clarify, because it's different than what
2 it was at a later point, basically
3 involved executing the operational piece
4 on the process that had been built and
5 the procedures that were outlined before
6 I came in. I don't -- I can't take
7 responsibility or ownership, or credit I
8 think is the better word for that. I
9 was -- I executed. That was my job.

10 Q. And would you mind -- please
11 explain the process through which you
12 would execute the suspicious order
13 monitoring program?

14 A. Okay. So we -- we had a
15 report that would be generated that would
16 trigger to us anything of interest. It
17 was never deemed that it was suspicious.
18 It was just an order, you know,
19 definitely worth looking at just to
20 review and, you know, to do our due
21 diligence to make sure that we could make
22 sense of it before it was authorized for
23 shipment.

24 So it was our job to do due

1 diligence, and we would have to work with
2 different groups to do that. So perhaps
3 we had to, you know, work with contracts
4 to say, hey, how come a customer is
5 ordering product X, and they never have
6 before, so it's coming up on the report,
7 which was part of the design. It was a
8 new -- new controlled drug, they never
9 ordered before. That was an automatic
10 flag.

11 And it would be our job to
12 verify that that was legitimate, it was
13 something that was contracted, expected,
14 and then we would approve -- you know,
15 the order would be released.

16 Q. By "our," do you mean the
17 customer service department?

18 MS. LEVY: Objection to
19 form. You can answer.

20 BY MS. ANTULLIS:

21 Q. When you say -- I'll
22 rephrase it. When you say it was our job
23 to -- I'll read it back. Did you say due
24 diligence?

1 When you said, "It was our
2 job to verify that that was legitimate,"
3 who is "our"?

4 A. Okay. "Our," my team,
5 customer service. We would do the leg
6 work, and we didn't necessarily have all
7 the answers. But it was our job to make
8 sure that we got them. Does that make
9 sense?

10 Q. Thank you. You stated that
11 there was a report that was generated.

12 A. Yes.

13 Q. Did you have -- what was the
14 name of that report?

15 A. It was generated from QAD
16 which was our system at the time. It had
17 some long fancy number like 75.3.7.9,
18 whatever. I don't know the exact number
19 in terms of the title, I can't be certain
20 of the exact title. But it was something
21 along the lines of suspicious order
22 monitoring report. And I may not be
23 completely accurate on that. It's been a
24 while.

1 Q. What does QAD stand for?

2 A. I'm not sure what the
3 acronym stands for. QAD is another ERP
4 system. It's what we used in the earlier
5 years at Actavis.

6 Q. So what -- how would a --
7 how would a report be triggered?

8 A. Reports were triggered
9 automatically out of the system. They
10 didn't have -- it didn't rely on a person
11 to hit a button and print it. They were
12 generated automatically several times
13 throughout the day.

14 Q. So what would you do when
15 you received a purchase order or, what
16 would you -- who -- first of all, explain
17 to me the process.

18 When -- when a customer
19 places an order, who takes the order
20 down? Or how does the customer place an
21 order?

22 A. Okay. The customer can
23 place an order in a number of different
24 ways. One of the more common ways would

1 be they would place it electronically
2 through EDI. But we did have a lot of
3 customers that also placed orders
4 manually.

5 Manually could mean one of
6 two things. Manual meaning just a
7 hardcopy purchase order. I mean, it
8 wasn't too common at that time that they
9 would use mail. But fax was very common,
10 and e-mail not so much. But fax was very
11 common. And then -- and then EDI. So it
12 was a combination of the two.

13 Q. And then how would that
14 information make it into your QAD system?

15 A. If -- one of two ways,
16 either electronic or manual. So if it
17 was a manual purchase, it would be
18 manually entered. If it was electronic
19 it would be uploaded automatically within
20 the system.

21 Q. And then who did the manual
22 entering?

23 A. My team.

24 Q. And who did the electronic

1 uploading?
 2 A. The system.
 3 Q. The system automatically.
 4 Okay. So you had the orders
 5 that are entered into the QAD system; is
 6 that correct?
 7 A. Yeah.
 8 Q. And then what -- what
 9 criteria would be used to automatically
 10 generate a suspicious order report or the
 11 long form report?
 12 A. I'm sorry. Can you clarify
 13 the question?
 14 Q. So you said that the
 15 reports, whose name you're not sure, but
 16 I'm going to say --
 17 A. It's a number.
 18 Q. -- suspicious order report
 19 with a number. You said that it was
 20 automatically generated from the QAD
 21 system --
 22 A. Correct.
 23 Q. -- when information --
 24 when -- it was automatically generated in

1 the QAD system.
 2 Was it automatically
 3 generated when the purchase order
 4 information was entered into the system?
 5 A. Yes. It would have to be
 6 afterwards. So that's why it was several
 7 times throughout the day. Each report
 8 would capture the orders that came prior
 9 to it.
 10 Q. Okay. And what -- what
 11 flagged in the system that caused it to
 12 enter a particular order onto this
 13 report?
 14 A. So it's been quite some
 15 time. And I don't feel that I can speak
 16 completely accurate to the logic behind
 17 the report. But I can speak to some.
 18 There were different criteria. So maybe
 19 a customer was a first-time purchaser.
 20 You know, sometimes it was a
 21 new drug, you know, a new product launch.
 22 Those would automatically be flagged as
 23 new. Maybe it was a new size, or perhaps
 24 the purchase quantities, you know,

1 exceeded whatever the threshold that was
 2 set -- and I apologize, I don't recall
 3 what that was -- based on historical
 4 purchases.
 5 Q. I'm going to show you a
 6 document that I will enter as Exhibit 3.
 7 (Document marked for
 8 identification as Exhibit
 9 Baran-3.)
 10 MS. ANTULLIS: It's Tab
 11 Number 9.
 12 BY MS. ANTULLIS:
 13 Q. In the meantime, can I ask
 14 you, did you review any -- did you review
 15 any criteria in preparation for this
 16 deposition?
 17 A. This criteria, no.
 18 Q. That we are discussing.
 19 A. No.
 20 Q. Did you review -- are you
 21 familiar with the Controlled Substance
 22 Act?
 23 A. Yes.
 24 Q. Did you review the

1 Controlled Substance Act prior to this
 2 deposition?
 3 A. No. But I'm familiar with
 4 it. Yeah.
 5 Q. I'll give you a minute to
 6 read it.
 7 A. Thank you. I'm almost
 8 there. Bear with me. I'm sorry.
 9 Q. Do you recall -- do you
 10 recall this e-mail chain?
 11 A. I honestly don't recall it.
 12 But it looks very accurate as something
 13 that would have happened.
 14 Q. Do you have any reason to
 15 believe that this was not you, Nancy
 16 Baran?
 17 A. No.
 18 Q. Is this something that you
 19 would have sent in the ordinary course of
 20 your business?
 21 A. Yes, very possible.
 22 Q. Does the explanation on the
 23 first page where you list a bullet point,
 24 and it says, "An order appears in the

<p style="text-align: right;">Page 73</p> <p>1 suspicious order report if it meets the</p> <p>2 following criteria," six bullet points.</p> <p>3 A. Six bullet points.</p> <p>4 Q. Does that refresh your</p> <p>5 recollection as to what criteria</p> <p>6 triggered a suspicious order report in</p> <p>7 2009?</p> <p>8 A. Does that refresh?</p> <p>9 Q. Right. You got --</p> <p>10 A. Yeah.</p> <p>11 Q. Right.</p> <p>12 A. Yes. Yes.</p> <p>13 Q. Okay. So let's go through</p> <p>14 this for a minute. I'd like to</p> <p>15 understand Bullet Point Number 2. You</p> <p>16 say, "The 25 percent threshold will</p> <p>17 increase to 40 percent for abuse-type</p> <p>18 drugs."</p> <p>19 What does that mean?</p> <p>20 A. So based on what I'm reading</p> <p>21 here, I'm clearly detailing, I guess,</p> <p>22 part of what the program was doing. But</p> <p>23 having not built it, I don't know if I</p> <p>24 can speak to that at this point. I don't</p>	<p style="text-align: right;">Page 74</p> <p>1 know. I don't know if I can answer that</p> <p>2 question.</p> <p>3 Q. So you don't know what you</p> <p>4 meant when you said the 25 percent</p> <p>5 threshold will increase to 40 percent for</p> <p>6 abuse-type drugs?</p> <p>7 A. I don't recall. And if I</p> <p>8 tried to give you an answer, I would be</p> <p>9 making one up.</p> <p>10 Q. All right.</p> <p>11 MS. LEVY: Don't -- don't</p> <p>12 guess or speculate. She wants --</p> <p>13 she wants you to answer what you</p> <p>14 know.</p> <p>15 THE WITNESS: Yeah, I don't</p> <p>16 know.</p> <p>17 BY MS. ANTULLIS:</p> <p>18 Q. Pull -- pulling back then.</p> <p>19 It says -- it says that, you know, if the</p> <p>20 amount ordered by the customer is</p> <p>21 25 percent over the customer's rolling</p> <p>22 average, and it refers below for what</p> <p>23 that means, that that would trigger a</p> <p>24 suspicious order, right?</p>
<p style="text-align: right;">Page 75</p> <p>1 Is that correct, is that</p> <p>2 what it says?</p> <p>3 A. That's what it says.</p> <p>4 Q. Okay. And then again it</p> <p>5 says that the report is printed several</p> <p>6 times a day, which you testified to</p> <p>7 earlier.</p> <p>8 When it says, and if you</p> <p>9 were -- do you recall whether that</p> <p>10 25 percent was a -- a threshold that was</p> <p>11 applied against purchases that came in</p> <p>12 daily?</p> <p>13 A. I apologize, but I don't</p> <p>14 have any recollection of that, the</p> <p>15 criteria behind it.</p> <p>16 Q. Higher up in the e-mail, you</p> <p>17 say, "John, the quick answer to the first</p> <p>18 part of your question is that we do have</p> <p>19 a process in place to govern the ordering</p> <p>20 of controlled drugs. The longer question</p> <p>21 is that I believe our process is not</p> <p>22 current and that there are significant</p> <p>23 room for improvement."</p> <p>24 Do you remember what</p>	<p style="text-align: right;">Page 76</p> <p>1 improvements you were thinking of when</p> <p>2 you wrote that?</p> <p>3 A. Oh, absolutely.</p> <p>4 Q. Okay. Would you share with</p> <p>5 me what improvements you thought the</p> <p>6 system needed?</p> <p>7 A. Sure. Automation. I mean I</p> <p>8 was -- remember, I was the team that had</p> <p>9 to execute on the operational piece, and</p> <p>10 it was very manual and very</p> <p>11 time-consuming, and, you know, we were --</p> <p>12 it was -- it was burdensome. I mean it</p> <p>13 achieved our objective, but it was very</p> <p>14 manual. That's the -- the simplest way</p> <p>15 to describe it. Painful.</p> <p>16 We got to our destination,</p> <p>17 but it -- we took, you know, a very</p> <p>18 manual route to get there. I don't know</p> <p>19 how to explain it any other way.</p> <p>20 Q. What was -- I'm trying to</p> <p>21 understand what -- what was manual.</p> <p>22 When you say manual, do you</p> <p>23 mean that the review of the order report</p> <p>24 and determination of suspicious orders</p>

1 was a manual process?

2 A. Yes. Well, that as well. I
3 mean it took someone to look at the
4 report, stop on -- on every order,
5 question, meet, have discussions, you
6 know, document really, and -- and all
7 those steps.

8 It was -- you know, the
9 system gave its judgment and its opinion,
10 and, like, based on the criteria that
11 were set, but then the rest of the
12 process was manual.

13 Q. Okay. And again, the
14 criteria that were set by the system, do
15 you recall what those are?

16 A. That's where I'm -- I'm very
17 grey. It's been so many years. I -- I
18 really don't feel that I could speak
19 accurately to the criteria that the
20 report was looking at.

21 Q. Do you have any reason to
22 believe that -- that the explanation that
23 you've given in Exhibit 3 in this e-mail
24 is inaccurate?

1 we had a lockdown process. Nothing went
2 anywhere if the customers weren't
3 properly licensed. Things were locked up
4 very tight, and there was -- there was no
5 gaps. Customers had to have the proper
6 licensing. They couldn't be expired. So
7 that was one of his questions that I see
8 that he asked in here.

9 Q. Right. You -- you said that
10 the process was manual, and I asked you
11 whether it was manual with regard to
12 review of the -- the suspicious order
13 reports. You indicated that that was --
14 I believe your phrasing was something
15 along the lines of yes, that was one
16 thing.

17 Was there something else
18 about the process that was manual in
19 2009?

20 A. Yes.

21 Q. Okay. What else was manual
22 about the process in 2009?

23 A. So let me take myself back
24 and think of some of the highlights in

1 A. Exhibit 3 -- oh, the whole
2 exhibit?

3 Q. In the bullet point list.

4 A. Oh.

5 Q. In your explanation to
6 John --

7 A. Okay.

8 Q. -- it goes through the first
9 and then goes to the middle of the second
10 page.

11 A. Yes.

12 Q. Do you believe that to be an
13 accurate representation of what the
14 system -- the criteria of the system was
15 based on at the time you sent the e-mail?

16 A. To the points that I recall,
17 yes. In terms of the criteria and the
18 percentages and all that, if -- if I put
19 it there, it came from somewhere. But I
20 wouldn't have recalled that if you asked
21 me.

22 You know, you can see one of
23 his questions was about making sure we're
24 shipping to licensed customers. I mean,

1 terms of manual.

2 The orders would be placed
3 on -- on hold, that was manual. And then
4 once we did our due diligence, if -- if
5 we were satisfied with what we were
6 releasing, the order of release would be
7 manual. Yeah, so, any of the -- the
8 keystrokes and the steps that you needed
9 to do to put the order on and off hold
10 were manual.

11 Q. And when you say we placed
12 the order on hold, who is "we"?

13 A. We, when I say -- when I
14 refer to "we," I meant my team.

15 Q. Okay. And my team is the
16 customer service department --

17 A. Right.

18 Q. -- or the customer service
19 team?

20 A. That's correct. No -- no
21 other team -- all of our order holds as
22 an example, if we have a -- maybe a
23 customer gets put on a credit hold,
24 someone in customer service does not have

1 security access to release a credit hold,
2 much like the same, no other groups had
3 access to those holds.

4 Q. Understood. So you can put
5 that exhibit aside for -- for now, we may
6 come back to it later.

7 A. Okay.

8 Q. But I want to return to
9 Exhibit 2.

10 A. Oh.

11 Q. And just discuss. So you've
12 listed three different, one, two, three.
13 You've listed your -- your time at
14 Actavis, Allergan, and Teva as three
15 different entries. It says Actavis 2008
16 to 2013, Allergan 2008 to 2017, and Teva
17 2008 to 2017; is that correct?

18 A. It's probably a little
19 confusing the way it reads. I had a
20 resum writer take my resum , and -- and
21 they did my LinkedIn profile. And I
22 guess this is the way they thought it
23 should appear.

24 Q. Understood.

1 A. But it's -- it's all one
2 company.

3 Q. Do you remember when you --
4 when you began your employment at -- at
5 Actavis in 2008, which company hired you?

6 A. When I began my employment
7 with Actavis, which company hired me?
8 Actavis.

9 Q. Okay. Is that -- do you
10 remember which Actavis? Can you be more
11 specific? Actavis Inc.?

12 A. I don't know the -- the
13 legal entity name, Actavis Inc., LLC, I
14 don't know.

15 Q. Okay.

16 A. So, you know.

17 Q. So at some point during your
18 employment at Actavis, Watson came in and
19 acquired the company.

20 A. Correct.

21 Q. Is that correct?

22 A. Yes.

23 Q. Did your job duties change
24 at that point?

1 A. Yes. The -- the role not so
2 much but the -- the magnitude did. I
3 mean the volume obviously. So to explain
4 that, Watson had its customer service
5 group headquartered in California,
6 Irvine, California. And the decision was
7 made that they wanted to have customer
8 service in a corporate location, which
9 the decision was Parsippany, New Jersey.

10 So I was given the
11 opportunity to build the new combined
12 team. And when I say build, we had to
13 build it virtually from the ground up.
14 Actavis was a much smaller company at the
15 time and the customer service group for
16 Watson, I'm just going to take a guess,
17 maybe they had 15, 20 employees. I
18 don't -- I don't remember the number
19 exactly. Very seasoned. I mean their
20 average years of service were probably
21 like 20 years, so a very seasoned team.
22 So it was my job to build a team in
23 Parsippany, New Jersey, to ensure that we
24 didn't skip a beat, that there was never

1 any interruption to the customer, they
2 never felt the difference, and we did
3 just that.

4 But your original question,
5 did my role change, not really. It's the
6 same job.

7 Q. So in -- under your listing
8 for Teva Pharmaceuticals, it says, if you
9 look on Page 3 of 5, the third bullet
10 point, it says, "Acquired knowledge of
11 DEA" --

12 A. I should correct that.
13 Yeah, I'm sorry, go ahead. I didn't mean
14 to interrupt.

15 I just realized, I said -- I
16 said my role didn't really change. In
17 some aspects it grew. In some aspects it
18 did change.

19 Suspicious order monitoring
20 was an area that -- that did change
21 because Watson had its own function. It
22 had a, you know, a larger compliance
23 group and people focused on suspicious
24 order monitoring outside of the customer

1 service group. So our role, although we
 2 were still involved, we were still part
 3 of any questioning or investigation they
 4 had to do, we were a support mechanism,
 5 but we were not the lead. So there were
 6 other -- a couple other areas such as
 7 customer master data, for example. You
 8 know, in a smaller company like the
 9 original Actavis, that was all part of my
 10 team. Now that we're part of this bigger
 11 company, there was a group for that. So
 12 there were certain things that were
 13 pulled out. So I just wanted to clarify.
 14 Because I think I originally said my role
 15 was the same. It was the same, but, you
 16 know, in some respects different.

17 Q. You anticipated one of my
 18 later questions.

19 A. Okay.

20 Q. I appreciate that. Thank
 21 you. That's very helpful information to
 22 know.

23 So this is -- I'm -- I'm
 24 asking about a description that you have

1 written under your Teva entry. And what
 2 I would like to know is if the bullet
 3 point I'll allowed -- I'm about to read
 4 is specific to Teva or if this applied to
 5 your job while you were at Actavis.

6 It says, "Acquired knowledge
 7 of DEA and FDA regulations and building
 8 new processes and procedures to ensure
 9 full compliance and improve suspicious
 10 order monitoring initiatives."

11 Did you acquire that
 12 knowledge while you were at Actavis when
 13 it was Actavis?

14 A. Correct, yes.

15 Q. Okay. Prior to your time at
 16 Actavis, had you ever worked with DEA
 17 regulations?

18 A. No, I had not.

19 Q. Were you familiar with the
 20 Controlled Substances Act prior to
 21 your -- your time at Actavis?

22 A. Not at all.

23 Q. Okay. How did you learn
 24 about the Controlled Substances Act?

1 A. I threw myself into it. And
 2 I educated myself using people around me,
 3 whether it be our attorneys helping me
 4 understand the regulations, our
 5 compliance officer. Going to a DEA
 6 conference. Things as simple as reading
 7 articles online. I mean, I threw myself
 8 into it and educated myself, yeah.

9 Q. Did Actavis ever offer you
 10 any training regarding the Controlled
 11 Substance Act?

12 A. The conference that I went
 13 to would be a good example of that.

14 Q. Did Actavis ever offer any
 15 internal training regarding the
 16 requirements in the Controlled Substance
 17 Act?

18 A. I don't know. It depends on
 19 how you define training. If training is
 20 sitting and meeting with a colleague and
 21 reading it and understanding it and
 22 having dialogue, to me that's training,
 23 because I'm learning. But it's not like,
 24 okay, let's sign up for this course we

1 have. So it depends on how you define
 2 training.

3 Q. So did Actavis ever provide
 4 a course on the Controlled Substance Act
 5 with course materials and a presentation,
 6 speaker?

7 A. Not that I recall.

8 Q. Okay. I want to finish this
 9 document, and then we'll take a break if
 10 that's all right.

11 Who asked you -- did anybody
 12 ask you when you joined Actavis to learn
 13 about the Controlled Substance Act?

14 A. Not immediately upon joining
 15 Actavis. That was not my original
 16 charge. But yes, my boss at the time,
 17 you know, asked me. He knew what he was
 18 getting with me. And I was proven at
 19 that point. And he wanted someone on the
 20 project that was going to take it and run
 21 with it and make sure that we were doing
 22 all the things that we needed to do. So
 23 I was assigned the task by my boss.

24 Q. And who was your boss?

1 A. Michael Perfetto.

2 Q. And when you say assigned
3 the project, what do you mean by the
4 project?

5 A. Just basically looking at
6 our process in terms of the regulation.
7 Finding ways to automate it. I mean,
8 everything we did, and everything I do,
9 quite frankly, is always finding ways to
10 be better, and that was really the
11 objective of this. You know, making sure
12 that we could enhance the systems that we
13 already had.

14 Q. When did Michael Perfetto
15 assign you that project?

16 A. So I could give you an
17 approximate time period. I can't tell
18 you exactly when. But, you know, in
19 driving here I was actually thinking
20 about that. I said, I hope they don't
21 ask me dates because -- but I'm going to
22 say that it was perhaps the late spring
23 of 2011 --

24 Q. Okay.

1 A. -- approximately.

2 Q. If you look at Exhibit 3
3 again very quickly. Do you have it in
4 front of you?

5 A. Exhibit 3?

6 Q. I believe so, yes. It's an
7 e-mail. It's dated in August of 2009.

8 A. Okay.

9 Q. Did you have any role with
10 the suspicious order monitoring program
11 in 2009 beyond the application of policy
12 that we discussed previously?

13 A. If application of policy in
14 your definition is a way to reflect
15 operational execution, then yes. Beyond
16 that I didn't have any -- any role, yeah.

17 Q. And were you aware in 2009
18 of the requirements of the Controlled
19 Substance Act?

20 A. Yes, but at a very high
21 level. I knew -- in other words, I'm the
22 type when I'm doing something, I like to
23 know why I'm doing it. You know, what's
24 this for? So I was aware, you know, of

1 it and the importance. But I wouldn't
2 have considered myself an expert, I mean,
3 at that -- at that time. Certainly aware
4 of it.

5 Q. You said that your team was
6 responsible for reviewing the suspicious
7 order monitoring reports that were
8 generated by the QAD system, correct?

9 A. Yes.

10 Q. What criteria did you use to
11 review those reports to determine whether
12 the order could be released or was in
13 fact a suspicious order?

14 A. So we had a very specific
15 set of criteria and guidelines that we
16 looked at. But I would be speaking out
17 of turn trying to sit and recite what
18 those were. Obviously because you can't
19 give a team a report, and say, here,
20 figure this out.

21 So we had guidelines. I
22 don't recall the specifics. I recall a
23 couple of examples, if that helps.

24 You know, sometimes, the new

1 product, as I mentioned earlier, if
2 something was a new product. First-time
3 buyer, there was a flag that was a
4 first-time buyer. Well, there would be
5 certain steps that would have to be taken
6 to validate that.

7 Everything had, you know,
8 steps that had to be followed. It was
9 pretty, pretty logical.

10 Q. Were those guidelines
11 written?

12 A. I don't recall. I don't
13 recall.

14 Q. Do you know, do you remember
15 who -- who explained -- did anybody
16 explain the guidelines to you?

17 A. I hear buzzing.

18 Yes. Who that would have
19 been, I mean, that is more than seven
20 years ago. I don't recall that, sorry.

21 Q. Do you recall how you first
22 became acquainted with the guidelines?

23 A. The very first day that I --
24 you know, in taking responsibility for my

1 team, and one of the, you know,
2 responsibilities was managing this report
3 that comes out several times a day.
4 That's the first I ever knew of it.
5 Until that, I wouldn't have even --
6 excuse me -- known a regulation or what a
7 C.F.R. even was, you know. My first
8 exposure.

9 Q. Do you know who at Actavis
10 might -- might know whether there were
11 written guidelines in 2008 when you
12 started?

13 A. The guidelines that we
14 operated by?

15 Q. Yes.

16 A. The best person for that
17 probably should be me to be honest with
18 you. But it's just a matter of my
19 remembering and recalling that.

20 Q. Did you write the guidelines
21 or did you write the guidelines?

22 A. No.

23 Q. In 2008?

24 A. No. Because this was --

1 this was happening before Nancy Baran
2 showed up.

3 Q. So I want to go to the
4 project that you referenced that you said
5 Michael Perfetto assigned you a
6 project --

7 A. Yes.

8 Q. -- in or about 2011.

9 A. Correct.

10 Q. What did he ask you to do at
11 that time?

12 A. It was essentially to, you
13 know, look at our systems, our processes,
14 our reports, our operational guidelines
15 and everything in terms of how it's, you
16 know -- not really how it's measuring up
17 to the regulation, because there was no
18 concern about compliance. It was more
19 about how do we take it to the next step.
20 How do we do even -- even more than we're
21 doing today? And we did that. We did
22 take it to the next step.

23 Q. Okay. I'm aware that people
24 are getting fidgety and want to take a

1 break. So I'm going to go ahead and let
2 that happen.

3 A. Okay.

4 Q. We'll come back to this very
5 quickly. But I think let's go off the
6 record for now.

7 THE VIDEOGRAPHER: The time
8 is 10:22 a.m. Off the record.
9 (Short break.)

10 THE VIDEOGRAPHER: We are
11 back on the record. The time is
12 10:38 a.m.

13 MR. LUXTON: Steve Luxton on
14 behalf of the Teva defendants.
15 Can we stipulate, Counsel, as to
16 the Teva defendants and the
17 Allergan defendants, since we both
18 also represent the witness, that
19 an objection for one of those
20 defendants is an objection for all
21 of the defendants?

22 MS. ANTULLIS: Yes.

23 MR. LUXTON: Thank you.

24 BY MS. ANTULLIS:

1 Q. So before we -- before we go
2 too far, I don't want to forget. The
3 presentation that you looked at to
4 refresh your recollection prior to coming
5 to this deposition, you said that it was
6 the same as a -- as a document that your
7 counsel showed you during your six-hour
8 preparation session for the deposition;
9 is that correct?

10 A. Yes.

11 MS. ANTULLIS: Okay. So,
12 Counsel, can -- will you agree to
13 provide the Bates number of that
14 document, so that we know what it
15 is that she was reviewing to
16 refresh her recollection?

17 MS. LEVY: We'll discuss
18 that on a break and we'll let you
19 know.

20 MS. ANTULLIS: Okay.

21 BY MS. ANTULLIS:

22 Q. Let's go back to document --
23 Document 2, I believe. Exhibit 2.
24 So, so very quickly, at some

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1 point Watson transitioned, Teva acquired
 2 the company.
 3 A. Correct.
 4 Q. And -- and bought the
 5 generics wing; is that correct?
 6 A. Yes. That's correct.
 7 Q. So did your position
 8 transfer then to Teva?
 9 What -- what position did
 10 you have at Teva?
 11 A. So there was a transition
 12 period. So, just to clarify. From the
 13 time the deal was announced, to the time
 14 the transaction was actually closed, for
 15 a variety of reasons of which I'm not
 16 sure I even know, took much longer than
 17 thought, so I don't know, there was maybe
 18 a year period in between that. So my
 19 role, during that year, was to continue
 20 managing my team, doing the day-to-day
 21 business, and once we were at a point and
 22 a juncture where we were allowed to share
 23 information, there was a certain time,
 24 and I don't know what that was. Maybe it

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1 was when the deal closed. I forget.
 2 Once that happened, my role
 3 quickly shifted to be one of
 4 transitioning, because Teva had someone
 5 in my role. And clearly, you know, they
 6 didn't need two people. Unfortunate for
 7 me, it's a company I would have certainly
 8 retired with. But you never take it
 9 personal. It's just the industry we're
 10 in, and it's constantly consolidating.
 11 So to answer your question, I did lose my
 12 role, but I was there and -- and spent a
 13 lot of time and energy to make sure I
 14 transitioned things properly. My team is
 15 still intact today, and I wanted to leave
 16 it in -- in good order.
 17 Q. Did you have any role with
 18 the suspicious order monitoring processes
 19 and procedures at Teva?
 20 A. No, I did not.
 21 Q. And when did you leave Teva?
 22 MS. ANTULLIS: I never say
 23 it correctly. I'm sorry.
 24 MR. LUXTON: That's all

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1 right.
 2 THE WITNESS: The beginning
 3 of January 2017.
 4 BY MS. ANTULLIS:
 5 Q. Okay. And what was the term
 6 that you used, off -- "offboarding"?
 7 A. I was a synergy. Is that
 8 what you mean?
 9 Q. No, it -- essentially you
 10 were laid off; is that correct?
 11 A. Correct.
 12 Q. Is that the correct
 13 terminology?
 14 A. Yes.
 15 Q. Okay.
 16 A. Involuntary.
 17 Q. Involuntary.
 18 A. Yeah.
 19 Q. All right. And do you bear
 20 any ill will towards any of the
 21 defendants in the case?
 22 A. No.
 23 Q. Do you bill -- bear any ill
 24 will to any of the plaintiffs in the

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1 case?
 2 Do you know who the
 3 plaintiffs are?
 4 A. I don't know who the
 5 plaintiffs are.
 6 Q. So in 2000, February of 2018
 7 you went to, I'm going to mispronounce
 8 it, but Daiichi Sankyo?
 9 A. Yes.
 10 Q. Okay. And it says that you
 11 were strategy leadership and program
 12 management, a contractor for six months.
 13 What did that position -- what job duties
 14 did that position entail?
 15 A. So this job was completely
 16 out of the scope of anything I had done
 17 my other 25 years of my career. I don't
 18 know if it was that they really needed
 19 help or it was more of a favor from a
 20 former colleague that -- that knew I was
 21 sitting home and like anxious to get
 22 back.
 23 They had -- their company
 24 was shifting their focus from an -- to an

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1 oncology company. And as part of that
 2 they had a lot of things that were going
 3 on. They were restructuring their sales
 4 force. So their HR team was extremely
 5 overburdened, highly stressed.
 6 The person that hired me
 7 happened to be my career coach that
 8 Actavis had hired for me years prior. So
 9 once again she knew what she was getting
 10 with me, she just needed a body to come
 11 in and help manage their extra workload.
 12 I was only really going to be there for
 13 two months. I ended up staying for six
 14 months. So, but it's totally outside of
 15 the scope of anything else that I've ever
 16 done.
 17 Q. Is it a medical device
 18 company?
 19 A. They are pharmaceuticals.
 20 Q. They're a pharmaceutical
 21 company?
 22 A. Yeah.
 23 Q. So then is it fair to say
 24 that for approximately 24 years you

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1 worked in the field of medical devices or
 2 pharmaceuticals?
 3 A. Approximately 50 in percent
 4 each.
 5 Q. 50 percent in each. Okay.
 6 I'm going to go through a
 7 list of questions that I don't want -- I
 8 want to remember not to ask you -- I
 9 don't want to forget to ask you.
 10 A. Okay.
 11 Q. So during what period of
 12 your career did you work with opioids?
 13 A. Certainly not in medical
 14 devices. That would not have happened
 15 until my -- my employment with Actavis.
 16 Q. Okay. So you worked with
 17 opioids through your career at Actavis,
 18 Allergan, Teva and then not again after
 19 that; is that correct?
 20 A. That's -- well, I don't even
 21 know, to be honest with you, Daiichi's
 22 product -- product mix, because that
 23 didn't come into play in my role. I
 24 don't know if they have opioids or not.

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1 I'm sorry. So let's leave that as
 2 possibly with Daiichi. But I don't know
 3 what their product mix is.
 4 Q. That's fine.
 5 When you left Teva did you
 6 sign a nondisparaging agreement?
 7 A. Like a separation agreement,
 8 if -- if that's what it's called. Is
 9 that non -- yeah, I signed an agreement.
 10 Q. It could have a --
 11 A. I'm not sure of the title.
 12 Q. -- nondisparagement clause
 13 or it could be a nondisparagement
 14 agreement.
 15 Did your -- did you sign a
 16 separation agreement?
 17 A. A separation agreement. I
 18 don't know what the title was.
 19 Q. Do you know if the
 20 separation agreement had a
 21 nondisparagement provision?
 22 A. I don't know what that is,
 23 so I'm not sure.
 24 Q. Okay. Do you understand

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1 that if it did have a nondisparagement
 2 provision if that would prevent you from
 3 testifying honestly today?
 4 A. Could you repeat that
 5 question?
 6 Q. Do you understand that if
 7 your separation agreement had a
 8 nondisparagement clause, that it wouldn't
 9 prevent you from testifying today?
 10 MS. LEVY: Object to form.
 11 You can answer.
 12 THE WITNESS: I -- I guess I
 13 don't understand it, because I
 14 don't even understand any of the
 15 terminology. So, I'm -- I'm not
 16 sure.
 17 BY MS. ANTULLIS:
 18 Q. Is there anything about your
 19 separation with Teva that prevents you
 20 from testifying honestly and fully today?
 21 A. Oh. Well, put that way,
 22 that's -- thank you. No.
 23 Q. Okay. Have you ever been a
 24 member of any pharmaceutical compliance

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1 organizations?

2 A. No, I have not.

3 Q. Have you ever been a member
4 of any industry trade groups or industry
5 working groups?

6 A. Not a formal member, no.
7 And I've read articles from groups like
8 HDMA and all that, I -- but I wouldn't
9 say that I was a member, no.

10 Q. Have you ever attended any
11 industry conferences with HDMA or --

12 A. I attended a few industry
13 conferences. I wouldn't say that I was a
14 very active participant. But I did go
15 to, I believe it was an HDMA conference
16 and NCA -- NCDAS, I think it's called. A
17 couple, you know, trade shows. That
18 really wasn't very significant in my
19 role.

20 Q. Do you know if Allergan
21 has -- Actavis has a record of the
22 conferences and trade shows you would
23 have attended during your employment?
24 A. I doubt it, because it

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1 Q. Do you remember generally
2 when those trade shows happened? Were
3 they at the beginning of your career,
4 middle of your career, scattered
5 throughout?

6 A. Before Watson, and I believe
7 I was at one with -- after Watson
8 acquired us.

9 Q. Okay.

10 A. Yeah.

11 Q. Have you attended any
12 conferences related to compliance issues?

13 A. Yes.

14 Q. Do you remember -- do you
15 recall what conferences you attended that
16 related to compliance issues?

17 A. That was the
18 Cegedim-Buzzee-DEA compliance conference.

19 Q. Okay.

20 A. It was either in Baltimore
21 or Washington D.C., I don't recall.

22 Q. Do you know if the training
23 that you received at that conference was
24 sponsored by any opioid manufacturer,

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1 wasn't -- well, they would have had to
2 pay for me to go, so, sure. Through
3 expense reports or something. I'm sure
4 they would.

5 Q. Did your boss have to
6 approve your attendance at these
7 conferences?

8 A. Sure. That would be a
9 normal course of business. You wouldn't
10 just sign up for these and travel without
11 discussion and approval, yes.

12 Q. So how would the approval
13 go? Would you -- would you -- would it
14 be casual through an e-mail?

15 A. I mean it -- it really
16 wasn't like that. It was more of a --
17 you were kind of sign -- signed up along
18 with the rest of the group. It was so
19 few times. If I had to -- to guess on a
20 number, I may have been to a conference
21 or a trade show, I don't know, four
22 times.

23 Q. Okay.

24 A. Approximately.

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1 distributor or pharmacy?

2 A. I don't believe so. I think
3 it was sponsored by this vendor. I think
4 they were sponsoring themselves.

5 Q. And were representatives
6 from other -- other pharmaceutical
7 manufacturers and distributors present at
8 the conference?

9 A. Yes.

10 Q. Do you remember which
11 entities were represented?

12 A. I -- there were, I don't
13 know, I feel like there were a hundred or
14 two. But I kind of went, listened,
15 learned, did my own thing. Went out to
16 dinner, went home. You know, I -- I
17 didn't really engage with any of them. I
18 would say the only one person I recall
19 meeting and spending any time discussing
20 with, was someone from UPS supply chain
21 that was there and they supported us as
22 well. So that would be the -- the only
23 person I can attest to being there.

24 Q. So you say the UPS Supply

1 Chain supported you?
 2 A. Mm-hmm.
 3 Q. What was the nature of their
 4 relationship with Actavis?
 5 A. So UPS Supply Chain, so I'm
 6 speaking pre -- pre-Watson. UPS Supply
 7 Chain was a third party distribution.
 8 Q. Okay. And did they handle
 9 both branded and generic drugs?
 10 A. That's correct.
 11 Q. And did they handle any
 12 aspect of your suspicious order
 13 monitoring program at any point during
 14 your time at Actavis?
 15 A. I want to be careful how I
 16 answer that, based on the way you phrased
 17 the question. You had asked me if they
 18 handled any part of our suspicious order
 19 monitoring. So to answer it that way, I
 20 would say no.
 21 They did what was their own
 22 suspicious order monitoring process. We
 23 had two independent processes that went
 24 over on top of one another.

1 Q. So do they place an order
 2 with UPS?
 3 A. No, they don't. The --
 4 Q. Okay. So --
 5 A. There is only one exception
 6 to that.
 7 Q. Okay. What's the exception?
 8 A. Because of the logistical
 9 piece, they never placed the order with
 10 UPS. But the 222 forms were, because the
 11 hard copies needed to be in their
 12 possession as the distribution arm, the
 13 hard copies were sent there, and what
 14 they would do is they would send us a
 15 photocopy so that we could do our process
 16 on the other end, but the original
 17 documents had to be within their hands.
 18 So, you know, I don't like
 19 to describe it as they placed the order
 20 with UPS, but they mailed the 222
 21 document to UPS, if that makes sense.
 22 Q. And UPS would transmit that
 23 document to you?
 24 A. Yes.

1 Q. Did those two independent
 2 processes work together in a synergistic
 3 fashion?
 4 A. No. They were completely
 5 independent.
 6 Q. Okay. So -- so let's just
 7 walk me through this.
 8 Say a distributor places an
 9 order for a controlled substance. Who
 10 fills that order?
 11 A. Well, the word "fills," to
 12 me, I would define that as -- when I hear
 13 fill, it means supply and ship, right?
 14 So --
 15 Q. Who provides the drugs?
 16 A. Okay. Provides the drugs to
 17 me sounds the same.
 18 Q. Who manufactures the drug?
 19 A. Manufactures would be
 20 Actavis.
 21 Q. Okay. And when the -- when
 22 the distributor places an order, do they
 23 place the order with Actavis directly?
 24 A. That's correct.

1 Q. To -- as you say to your
 2 process?
 3 A. And it went through our
 4 process like it -- like anything else
 5 normally would.
 6 Q. So does that apply to both
 7 branded and generic pharmaceuticals?
 8 A. The process -- first of all,
 9 we weren't really a very big branded
 10 company, I think, in terms of our
 11 products. But the answer would be yes.
 12 Q. Okay. And so, when you say
 13 "do our process," what does "our process"
 14 entail?
 15 A. Our process is everything
 16 that we spoke of earlier. So we would
 17 take that order from start to finish.
 18 You know, even outside of suspicious
 19 orders, we would validate all the normal
 20 things that you would with an order. Is
 21 this customer valid? Is it someone that
 22 has open credit terms? You know, where
 23 are we shipping? What are we shipping?
 24 Are the prices matching? Everything,

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1 including -- up to including the SOM
2 process.

3 Q. So that order would be
4 passed through the SOM process -- the
5 SOMs process?

6 A. Yes.

7 Q. At what point does UPS get
8 notification of the order?

9 A. So if an order advances from
10 our, Actavis's, system, then UPS will
11 gain access to it. If it were on hold --

12 Q. At that point -- let me
13 [just -- at that point in time, has it
14 already -- has the order already gone
15 through your SOM system?

16 A. It would have to before UPS
17 would ever get their hands on it.

18 Q. Okay.

19 A. Yeah.

20 Q. So then I'm sorry.
21 Continue. So then after the order has
22 gone through the SOM system and you are
23 transmitting it to UPS.

24 A. The SOM system, and any of

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1 the other order validation checks that it
2 had to go through, all of those would
3 take place upfront. And UPS wouldn't
4 have visibility or any access to the
5 order unless it passed those criteria.
6 Then it would go to UPS.

7 Q. And you said that UPS had a
8 SOMs program as well.

9 A. Correct. Mm-hmm.

10 Q. So would UPS then run that
11 order through its own program?

12 A. Yeah. So 100 percent of the
13 same orders that we were evaluating on
14 our end would then transmit through UPS
15 and then they would run through their
16 mathematical algorithms and their
17 calculations.

18 Q. And were there algorithms
19 and calculations different than used at
20 Actavis?

21 A. Yes. They were proprietary
22 and they were definitely different than
23 Actavis's.

24 Q. And did the UPS system ever

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1 generate any -- we'll call them orders of
2 interest?

3 A. Yes.

4 Q. Okay. Would you mind --
5 please explain what an order of interest
6 is.

7 A. Yeah. So, I always like to
8 use that term, we use the term OI, orders
9 of interest, as something that's being
10 evaluated. When we refer to something as
11 a suspicious order, that means it was
12 deemed suspicious. So an order of
13 interest, UPS could, much like an order
14 would pend on our system because it was
15 an order of interest, the same thing
16 could happen at UPS. And they had their
17 set of processes that they would run
18 through.

19 And much like my team,
20 customer service, would have to do their
21 due diligence and review purchases,
22 sales, you know, understand, you know,
23 market conditions or whatever might be
24 driving that to make an informed

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1 decision, UPS would do the same thing.

2 Now, they would have to come
3 back to us for that justification. And
4 they would push on us, just like we would
5 push on our own internal teams. You
6 know, nothing went by without a good
7 explanation. And they would hold the
8 order just like we would.

9 Q. Do you recall if the UPS
10 SOMs system ever placed orders on -- ever
11 pended any orders that -- did the UPS
12 system ever pend any orders that came
13 from Actavis?

14 A. Oh, absolutely.

15 Q. Okay. Did the Actavis
16 system -- do you recall if the Actavis
17 system also pended those same orders?

18 A. That's a great question.
19 Because our -- because our two systems
20 were not running on the exact set of
21 criteria and formulas behind the scenes,
22 you would have to imagine, and it was
23 true, that we would have orders pend that
24 they didn't and just the same. Sometimes

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1 they would have an order pend that we
2 didn't. And on many occasions we would
3 both have the same order pend.

4 So it was not a mirror of
5 one another.

6 Q. Okay. We'll probably come
7 back to that later. UPS, we'll come back
8 to that later.

9 A. Good.

10 Q. I'd like to move on to Tab
11 58 which, I believe, is Exhibit Number 4.

12 (Document marked for
13 identification as Exhibit
14 Baran-4)

15 BY MS. ANTULLIS:

16 Q. I will only be asking you
17 questions about particular points in
18 here. I'll represent to you that this
19 was part of your personnel file that was
20 produced to us in this case last week.

21 A. Okay.

22 Q. This particular document
23 contains what are called Actavis Per4ma.
24 Would you mind explaining to me what a

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1 Per4ma is?

2 A. So every company, I have to
3 imagine, in one way, shape or form, sets
4 out to manage the performance of their
5 employees. So you start out with a
6 certain, you know, expectations of your
7 employees and maybe you refer to them as
8 goals and objectives. You know, what are
9 you looking to accomplish in a given
10 year. And how did you achieve and what
11 were the results as compared to that.

12 You know --

13 Q. So was this an annual
14 review --

15 A. It was an annual --

16 Q. -- that you -- that you did
17 of yourself?

18 A. Yeah, so you would evaluate
19 yourself, and then your manager would
20 evaluate you on top of that.

21 Q. Do you recall if you did
22 similar self-evaluations when -- after
23 the Watson acquisitions?

24 A. Yes. I'm pretty sure I

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1 should have had one most, if not all,
2 years.

3 Q. Do you know what they would
4 have been called at that time?

5 A. There was always different
6 terminology. Pro4mas, Per4mas. I don't
7 recall the name now.

8 Q. Do you recall completing
9 one, something similar while you were --
10 after the -- after the Teva acquisition?

11 A. I don't -- after the Teva
12 acquisition? Based on the time they
13 happened, I don't know. I don't think
14 so.

15 Q. Other than your last year
16 then at Teva, do you recall completing
17 one of these every year for your
18 employment at Actavis?

19 A. Every year as far as I'm
20 aware, because it's not like we had a
21 choice. It was one of those chores, you
22 know, you had to do it. Very tedious and
23 time consuming. And I'd put a lot of
24 effort into mine because let's face it, I

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1 worked very hard throughout the year.
2 And you want your performance review to
3 accurately reflect that, so I typically
4 put a lot of time into it, which is why
5 this probably feels pretty heavy.

6 Q. This is also several years.

7 A. Oh, it is. Okay.

8 Q. So let's first turn to --

9 and at the bottom -- I'm sorry, I haven't
10 been reading Bates numbers. At the
11 bottom it is ALLERGAN_MDL_SUPP_00001425.
12 So it's towards the back of the document.

13 A. Would you repeat the last
14 digits.

15 Q. 1425.

16 A. 25. Okay.

17 Q. Do you recognize this
18 document?

19 A. Certainly recognize the look
20 of it, yes.

21 Q. On the following page, 1426,
22 on the bottom right-hand corner, there's
23 a signature there.

24 A. Yeah.

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1 Q. Is that your signature?
 2 A. Yes, it is.
 3 Q. If we go to 1431. So in the
 4 block in the middle on that page, there
 5 is a title. It says, "Efficiency." And
 6 then there are comments that follow.
 7 Who -- who wrote the text
 8 that starts with "consistently
 9 identifying opportunities"? Was that
 10 you?
 11 A. If you don't mind, can I
 12 take a minute to read?
 13 Q. Yeah. Read that paragraph.
 14 A. Okay. So I'm with you now.
 15 Q. So my question to you is
 16 just regarding the second sentence. It
 17 says you reviewed a DEA suspicious
 18 activity. And this was in the year 2008
 19 Per4ma, correct?
 20 A. Correct.
 21 Q. What did you do to report --
 22 to improve the reporting of DEA
 23 suspicious activity in -- in 2008?
 24 A. Okay. So, what this is

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1 form.
 2 THE WITNESS: Can I answer?
 3 Okay. Can I answer? Okay. I
 4 don't get that whole process, so
 5 tell me when I --
 6 MS. LEVY: You can -- you
 7 can answer every question unless
 8 we instruct you not to answer.
 9 But just because the woman to your
 10 right is typing down all of the
 11 things that are being said --
 12 THE WITNESS: Okay.
 13 MS. LEVY: -- you just have
 14 to wait for us to say the
 15 objection, pause for a minute, and
 16 then give your answer.
 17 THE WITNESS: Very good.
 18 Thank you.
 19 MS. LEVY: So you may
 20 answer.
 21 THE WITNESS: And I forgot
 22 what the question was, so...
 23 THE VIDEOGRAPHER: Can
 24 you -- can you raise your

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1 referring to, based on my recollection, I
 2 believe what the issue was at the time
 3 was over-the-counter products, which were
 4 not controlled drugs, were somehow
 5 polluting the report and just making it
 6 busy and more to sift through. So it
 7 didn't impact the end result. But it
 8 was -- it was clutter and it just made
 9 our job more difficult. So -- from what
 10 I recall, we -- we worked with IT to have
 11 that removed. And they were not even
 12 related to controlled drugs.
 13 Q. So when you -- let's go back
 14 to this, this report, the suspicious
 15 order report that you talked about, that
 16 we discussed earlier. Was that a report
 17 that spanned all drug classes?
 18 A. The way the report was
 19 designed was, the intent was for
 20 controlled drugs only.
 21 Q. So was that then just a
 22 hiccup in the system?
 23 A. From what I recall --
 24 MR. LUXTON: Objection to

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1 microphone up just a -- a few more
 2 inches up?
 3 THE WITNESS: Sure.
 4 THE VIDEOGRAPHER: Thank
 5 you.
 6 THE WITNESS: From what I
 7 recall --
 8 MS. LEVY: Hold on. Let her
 9 rephrase the question for you.
 10 THE WITNESS: Yeah.
 11 BY MS. ANTULLIS:
 12 Q. So you -- you stated that
 13 over-the-counter products were displaying
 14 on the suspicious order reports that you
 15 were getting throughout the day --
 16 throughout the day at that point in time,
 17 correct?
 18 A. From what I recall, I
 19 believe that was the case. I believe
 20 that was something that needed to be
 21 removed. It was an error in what was
 22 coming through, based on the product
 23 classification.
 24 Q. Okay. So the system was

<p style="text-align: right;">Page 125</p> <p>1 then designed to, is it -- the system was</p> <p>2 then designed to capture controlled</p> <p>3 substances only, correct?</p> <p>4 A. Yes. Based on all product</p> <p>5 types, had a product classification, and</p> <p>6 that drove what was included on the</p> <p>7 report.</p> <p>8 Q. All right. So now, we're</p> <p>9 going to go to -- we're going to go to</p> <p>10 document -- the section of the document</p> <p>11 starting at ALLERGAN_MDL_1420, which is a</p> <p>12 few pages in front of where we were.</p> <p>13 So, do you recognize this?</p> <p>14 A. So far. The format looks</p> <p>15 familiar, yeah.</p> <p>16 Q. On the bottom of Page 1421</p> <p>17 there's a signature there. It says Nancy</p> <p>18 Baran?</p> <p>19 A. Yeah.</p> <p>20 Q. Is that your signature?</p> <p>21 A. Yes, it is.</p> <p>22 Q. Okay. So look at</p> <p>23 Objective 2, the box on 1421. There's a</p> <p>24 large box here. And it says Objective 2,</p>	<p style="text-align: right;">Page 126</p> <p>1 "Develop customer service team."</p> <p>2 Read the first full</p> <p>3 paragraph.</p> <p>4 A. Okay. Okay. So I read the</p> <p>5 first paragraph.</p> <p>6 Q. Okay. So it says, the</p> <p>7 second sentence starts, "Additionally</p> <p>8 Nancy has engaged the group with cross</p> <p>9 training with other departments."</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And it says, "It includes</p> <p>13 several departments including but not</p> <p>14 limited to sales and marketing, medical</p> <p>15 affairs, regulatory compliance,"</p> <p>16 parentheses says "recall, SOP and finance</p> <p>17 covering AR credit and collections,</p> <p>18 deductions" --</p> <p>19 MR. DEARMAN: Slow it down a</p> <p>20 little bit.</p> <p>21 MS. ANTULLIS: I told you I</p> <p>22 speak too fast.</p> <p>23 BY MS. ANTULLIS:</p> <p>24 Q. -- "deductions, returns,</p>
<p style="text-align: right;">Page 127</p> <p>1 chargebacks, rebates and Medicaid."</p> <p>2 Is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. So are these all separate</p> <p>5 departments within Actavis?</p> <p>6 A. They are all separate</p> <p>7 departments.</p> <p>8 Q. Okay. So there is a medical</p> <p>9 affairs department?</p> <p>10 A. I mean some of them may be</p> <p>11 combined. Like chargebacks, rebates,</p> <p>12 they -- they may fall in -- in one group,</p> <p>13 but they are different processes, so...</p> <p>14 Q. So what group would</p> <p>15 chargebacks and rebates -- chargebacks</p> <p>16 and rebates fall into?</p> <p>17 A. I don't recall the exact</p> <p>18 structure at that time. It was under</p> <p>19 finance somewhere.</p> <p>20 Q. Okay. And then you -- so it</p> <p>21 says then that you, you engaged a group</p> <p>22 in cross training, correct?</p> <p>23 A. Mm-hmm.</p> <p>24 Q. So --</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes.</p> <p>2 Q. -- can you explain from a --</p> <p>3 from a -- actually strike that.</p> <p>4 Did any of the cross</p> <p>5 training include suspicious order</p> <p>6 monitoring training?</p> <p>7 A. So this is really pertaining</p> <p>8 to something completely outside of</p> <p>9 suspicious order monitoring. This was</p> <p>10 really an intention to take a group that</p> <p>11 is tasked with making sure we're meeting</p> <p>12 customer needs, following corporate</p> <p>13 guidelines and objectives and policies</p> <p>14 and procedures, and putting all that</p> <p>15 together and making sure both interests</p> <p>16 are properly met. And it's very</p> <p>17 difficult to do that when you're dealing</p> <p>18 with multiple cross-functional areas when</p> <p>19 you don't really have an appreciation for</p> <p>20 what they do.</p> <p>21 So the only intent of this</p> <p>22 program, and the word cross training, I</p> <p>23 don't want you to be confused or misled.</p> <p>24 You know, when you hear training, you</p>

1 think I'm going to be trained so I can do
2 a job and I can be an expert. That's not
3 what this was.

4 Look at it more as creating
5 an awareness, you know, what do some of
6 these teams do. What are their main
7 objectives. What's their purpose. What
8 are some of their challenges. And the
9 reason for that is so that we could
10 understand one another better, so that we
11 could operate more as a collective team.

12 You know, you need support
13 on a return. There's information I may
14 have that can help you. It just made for
15 better working relationships and
16 partnership across teams. But it -- it
17 wasn't cross training like we never sat
18 down and said show me how to process a
19 chargeback. It was really more of an
20 awareness.

21 Q. Are there any written
22 materials that were produced as part of
23 this?

24 A. No. It was really just like

1 meet and greet. Sit and talk and -- and
2 chat. Yeah.

3 Q. So, can you please explain
4 what a chargeback is?

5 A. So that's not my area of
6 expertise, but I'll -- and I've never
7 managed chargebacks.

8 Q. Well, can you --

9 A. But I can --

10 Q. -- to the best of your
11 understanding --

12 A. To the best of my
13 understanding, what I can explain to you,
14 because that's something that is very far
15 removed from -- from my knowledge. But a
16 chargeback, you know, I believe we sell
17 to wholesalers at like a WAC price, and
18 then if customers buy through them at a
19 contracted price that I think we've
20 agreed upon, I think there's chargebacks
21 that are processed. That's -- that's as
22 much as I can tell you because that never
23 fell in the scope of -- of what I
24 managed, so...

1 Q. Okay. Can you tell me,
2 did -- did the various departments at
3 Actavis ever receive suspicious order
4 monitoring training that you were aware
5 of?

6 A. The various departments. So
7 when we say various departments,
8 that's -- there's -- there's many
9 departments.

10 Q. What's -- let me -- let me
11 rephrase the question.

12 A. And I don't think I'd be in
13 a position to speak to what training they
14 had.

15 MS. LEVY: Let her finish
16 before you --

17 MS. ANTULLIS: Sorry.
18 BY MS. ANTULLIS:

19 Q. I'm -- I'm just going to
20 rephrase the question for you, because
21 that was -- that was broad and
22 open-ended.

23 Did you ever organize a
24 suspicious order monitoring training

1 within Actavis?

2 A. For any teams that touched
3 the process, which would not be every
4 area of the company.

5 Q. Okay. So what teams would
6 touch the process?

7 A. You know, teams that we
8 relied on for support in terms of I --
9 you know, IT was aware of, you know, what
10 we were doing.

11 I mean, and the training was
12 at different -- deeper dive with -- with
13 some areas than others, but --

14 Q. Did you ever organize the
15 training with the sales and marketing
16 department?

17 A. No. No. There was no
18 training for them. They just had to give
19 us answers when we demanded them.

20 Q. Okay. And by -- so I'm
21 using -- by sales and marketing in this
22 context, are you -- are you understanding
23 me to mean the -- the salespeople
24 themselves, the sales, the people who

1 handle the -- the selling and marketing
 2 of the drug directly?
 3 A. When you say sales, that's
 4 what I think of, yeah.
 5 Q. The customer service
 6 department at Actavis, did it fall under
 7 a larger umbrella group?
 8 A. Yes, it did.
 9 Q. And what was the name of
 10 that group?
 11 A. Sales and marketing.
 12 Q. Okay. So within the sales
 13 and marketing organization, the customer
 14 service department was a -- its own
 15 subentity, correct?
 16 A. That's correct.
 17 Q. The salespeople, did the
 18 salespeople fall into a separate entity,
 19 a separate subgroup under the same
 20 umbrella?
 21 A. Yes.
 22 Q. And what was the name of
 23 that?
 24 A. Sales.

1 reviewing and evaluating data, customer
 2 data.
 3 Q. So who -- were the -- to
 4 your knowledge, were the sales or
 5 marketing groups aware of -- made aware
 6 of the requirements of the Actavis
 7 suspicious order monitoring program?
 8 MR. LUXTON: Objection to
 9 form.
 10 BY MS. ANTULLIS:
 11 Q. You can answer.
 12 A. Okay. Thank you. I mean,
 13 they certainly were aware of I because if
 14 something went on hold, they were
 15 impacted because their order wasn't
 16 shipping and they had to partner with us
 17 to get us the information we needed.
 18 They were aware of it. You know, not to
 19 the extent of, you know, what steps did
 20 we take on every order, not at that level
 21 of detail. But they were certainly aware
 22 of what the, you know, regulation was,
 23 and what our obligation was as a
 24 manufacturer.

1 Q. Sales. So did you ever
 2 organize suspicious order monitoring
 3 program for the sales team?
 4 A. I did not.
 5 Q. A training program?
 6 A. Yeah, I did not. But I
 7 can't say for sure what they would
 8 have -- if anything. You know, I can't
 9 say that. I did not, no.
 10 Q. And -- and the marketing,
 11 the people who did, you know, marketing,
 12 what department did they fall under?
 13 A. They fell -- they were in
 14 their own separate umbrella under sales
 15 and marketing blanket, yeah.
 16 Q. Did you ever design or give
 17 a suspicious order monitoring training to
 18 people in the marketing, the
 19 sales/marketing section -- group?
 20 A. I don't like to refer to it
 21 as training necessarily. But they were
 22 actively engaged. They were part of the
 23 project team in terms of guidance and,
 24 you know, they played an active role at

1 Q. Do you know if -- do you
 2 know if anyone ever instructed them, ever
 3 transmitted to them any -- do you know
 4 if -- do you remember the guidance that
 5 you told me about earlier that you
 6 followed when you were evaluating a
 7 suspicious order? Do you know if that
 8 guidance was ever transmitted to anybody
 9 in the sales and marketing department's
 10 teams?
 11 A. The guidance -- can you
 12 define guidance, what do you mean? Which
 13 part of our conversation?
 14 Q. I'm referring to the
 15 guidance, that you -- you called it
 16 guidance earlier. You said when the
 17 reports were generated from the QAD
 18 system, in evaluating the reports to
 19 determine whether an order was suspicious
 20 or not --
 21 A. Yeah.
 22 Q. -- you had guidance. You
 23 had received some sort of guidance as to
 24 what criteria would be used to

1 determine --
 2 A. Oh, okay. Thank you.
 3 Q. To determine whether that
 4 order was suspicious or not.
 5 So I'm asking if you know
 6 whether that guidance was ever
 7 transmitted to anybody in the sales or
 8 marketing department?
 9 A. I am not aware that it ever
 10 would have been. And I don't know why it
 11 would have been, if that ever did take
 12 place. But I'm not aware of it, no.
 13 Q. Who -- did you ever
 14 interact --
 15 A. It's kind of like giving
 16 your secrets. You know, you don't want
 17 to show too many cards. So I don't
 18 believe we would have told them what our
 19 system is looking for. From a sales
 20 standpoint, they don't need to know. I
 21 don't know.
 22 Q. Okay. You used -- you used
 23 the words "secrets." So I'm just --
 24 A. Well, it's just like a

1 limited. If I remember correctly, we
 2 only had five salespeople. So I could
 3 try to remember some names if you'd like.
 4 Q. Yes. Who were some of the
 5 name of the salespeople?
 6 A. Michael Dorsey. Thad Demos.
 7 Lisa Pehlke, Steve Cohen, and Michael
 8 Berryman. I think that covers everybody.
 9 Q. Did you ever work with a
 10 woman named Rachelle Galant?
 11 A. Yes. Rachelle.
 12 Q. Rachelle. I'm sorry?
 13 A. Very closely.
 14 Q. What department or team did
 15 Rachelle Galant work for?
 16 A. Rachelle is in marketing.
 17 Q. Okay. And when you say
 18 marketing, are you referring to the
 19 marketing group or are you referring to
 20 the sales and marketing umbrella?
 21 A. She was in marketing.
 22 Q. Marketing group. Okay.
 23 That's all I have on that right now. Was
 24 Rachelle Galant ever trained in how to

1 customer --
 2 MR. LUXTON: Wait for the
 3 question.
 4 BY MS. ANTULLIS:
 5 Q. So would -- were the
 6 requirement -- were the criteria that you
 7 used to evaluate a suspicious order a
 8 suspicious order contained -- were they
 9 kept away from the sales and marketing
 10 departments?
 11 A. To the best of my knowledge,
 12 yes. Yeah.
 13 Q. And was that a deliberate
 14 choice?
 15 A. Yeah. I mean, I don't -- I
 16 don't know why they would need it.
 17 Q. Okay. Did you ever interact
 18 with people in the sales and marketing
 19 groups?
 20 A. Yes, I did.
 21 Q. Okay. Do you remember some
 22 of the people that you interacted with,
 23 their names?
 24 A. Yes. Because it was very

1 detect a suspicious order?
 2 A. Rachelle was instrumental
 3 and very active in what the regulation
 4 requirements were, what our processes
 5 were, and she was an instrumental part in
 6 helping us bring us to the next level.
 7 And, you know, we can talk about that
 8 when the time is right, in terms of all
 9 of our efforts that we did.
 10 Q. Would Rachelle have trained
 11 the people -- was Rachelle a supervisor
 12 in the marketing department?
 13 A. I would not categorize her
 14 as such.
 15 Q. What was her -- what was her
 16 job title?
 17 A. I don't recall her exact --
 18 it could be product manager, but I
 19 don't -- I don't recall her exact title.
 20 Q. Did she manage any
 21 employees?
 22 A. I can't say with certainty.
 23 Maybe not initially, but she may have had
 24 like a junior marketing analyst report to

1 her at some period.

2 Q. Was Rachelle Galant ever
3 tasked with writing a standard operating
4 procedure for suspicious order
5 monitoring?

6 A. Not for suspicious order
7 monitoring. Well, no, I take that back.

8 Yes, she partnered on the
9 indirect side. We had two parts of our
10 process. And she was heavily involved in
11 helping draft and write these indirect
12 policies and procedures.

13 Q. Do you know about when that
14 happened, when she wrote those
15 procedures?

16 A. Somewhere later in 2011.

17 Q. Do you know -- do you
18 happen --

19 A. Early 2012.

20 Q. -- to know why -- sorry.

21 Do you happen to know why
22 Rachelle Galant was given that task?

23 A. So Rachelle was instrumental
24 from a marketing standpoint in helping

1 launch another initiative called
2 ValueTrak. And it was a reporting
3 mechanism that we would -- we would pay
4 for to help slice and dice our data, the
5 best way to describe it. And it's been
6 so long. I forget the codes. But let's
7 just say EDI transaction on an 0867. I
8 don't remember the numbers. But data in,
9 data out. And looking at those indirect
10 sales at the wholesaler level.

11 So because she was working
12 on that project, she was definitely the
13 right person to help us on the initiative
14 of the suspicious order side. But her
15 initiative was really in the second part
16 of our project, which was the indirect
17 piece, versus the direct sales to our
18 wholesalers and distributors.

19 Q. Do you -- why was Rachelle
20 Galant looking at sales to wholesaler
21 customers, as part of her job function,
22 if you know?

23 A. As part of her job function,
24 I almost feel like we want to ask her

1 that in terms of the marketing role. But
2 if I can -- how would I describe -- I
3 would have to defer her job description
4 in answering that, to her. Because I
5 think I would probably just mess it up.

6 Q. So let's move on. Back to
7 Exhibit -- what was it? Four. Yep.
8 Exhibit 4.

9 If you go to Page 1397.
10 It's about the fourth page in. This
11 appears to be a compensation statement
12 for you, Nancy Baran, in 2011 fiscal
13 year; is that correct?

14 A. Yes.

15 Q. Does this reflect your
16 understanding of your base salary at that
17 time?

18 A. Yes.

19 Q. Okay. Under -- under --
20 there's a subtitle here that says bonus
21 information. It says, "Target bonus
22 percentage, target bonus award."

23 A. Okay.

24 Q. What is the target bonus

1 percentage a percentage of?

2 A. Well, our bonus had -- which
3 I don't believe is uncommon -- was really
4 two components of it. It was based on
5 individual performance and company
6 performance.

7 So let's just say the
8 company had a really poor year, you most
9 likely weren't going to be entitled to
10 100 percent of your bonus. You may have
11 60 or 70 percent of your bonus.

12 On the flip side, if the
13 company did really well, you could
14 potentially get 125 percent of your
15 bonus. So there is really two components
16 to our performance plan.

17 Q. So was any portion of your
18 bonus related to your job performance?

19 A. Yes.

20 Q. And what were the criteria
21 for determining whether or not you had
22 excelled in your job performance
23 sufficient enough to warrant a bonus?

24 A. Meeting your goals and

1 objectives and general -- you know,
 2 general performance, coming in, doing
 3 your job, showing up, having a good
 4 attitude, all those other things that
 5 come along with being a good employee.
 6 Q. And was any part of your
 7 bonus related to meeting targets for
 8 sales of drugs?
 9 A. No.
 10 Q. Was any part of your bonus
 11 tied to revenue?
 12 A. Other than the company. The
 13 company component of it, I would have to
 14 say yes, because, yeah, the company
 15 component is tied to revenue, right?
 16 Q. But no -- but is it correct
 17 to say that no -- that your bonus was not
 18 based on revenue specific to your job
 19 function?
 20 A. Yeah, no.
 21 MS. LEVY: Can we clarify
 22 the record? Because I think
 23 it's -- will you ask the question
 24 again?

1 over each other for the clarity of
 2 our record.
 3 MS. ANTULLIS: Sorry.
 4 BY MS. ANTULLIS:
 5 Q. All right. So you mentioned
 6 ValueTrak a few minutes ago. Are you
 7 familiar with that system?
 8 A. I couldn't speak much to it,
 9 no.
 10 Q. Okay. Did you ever use --
 11 did you ever use that system as part of
 12 your job in customer service?
 13 A. No. I've seen it. I've
 14 seen demos. But no, I would not have
 15 been a user.
 16 Q. And was that the system that
 17 Actavis used to keep track of its sales
 18 of prescription drugs?
 19 A. No.
 20 Q. What did ValueTrak track?
 21 A. I'm not even -- I'm not even
 22 sure to what extent ValueTrak was
 23 implemented, because then we were
 24 acquired. I think -- so it wasn't

1 MS. ANTULLIS: Yes.
 2 THE WITNESS: Did I
 3 misunderstand?
 4 MS. LEVY: No, you said
 5 "yes, no." I think we all sitting
 6 in the room know what you mean.
 7 MR. LUXTON: You can just
 8 say "correct."
 9 THE WITNESS: Maybe I --
 10 maybe I can just --
 11 MS. LEVY: Well, let -- let
 12 her ask it again.
 13 BY MS. ANTULLIS:
 14 Q. Is it correct to say that
 15 your -- your bonus was not based on
 16 revenue that was generated -- that you
 17 generated through your job function?
 18 A. It is correct my bonus was
 19 not tied to revenue, yeah.
 20 MS. LEVY: Thank you.
 21 THE WITNESS: I've got to
 22 listen more carefully. I'm sorry.
 23 MS. LEVY: Both of you
 24 should be careful of not to talk

1 tracking our -- our sales. I mean,
 2 that -- that was I believe -- like I -- I
 3 didn't really -- I wasn't part of like
 4 looking at daily sales and where we are
 5 to our goals and all that. It really
 6 didn't fall in what I cared about in my
 7 role. I don't believe that ValueTrak had
 8 any role in that. And as a matter of
 9 fact, I don't believe it could have,
 10 because it was one of those things, they
 11 were adding on later and we would have
 12 always had something to track sales. So
 13 that would have to answer my question.
 14 Q. So are you aware of any
 15 other system that Actavis used to track
 16 the sales of prescription drugs while you
 17 were there?
 18 A. Not that I'm aware of. I
 19 don't know.
 20 Q. Do you know if Actavis has a
 21 record of every order filled?
 22 A. Sure. I don't know why they
 23 wouldn't. Yeah.
 24 Q. Do you -- do you know where

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1 that record would be maintained?

2 A. Electronically.

3 Q. Do you know if Actavis
4 tracks inventory?

5 A. Yes.

6 Q. And does it use a -- a
7 system to do that, did it use a system to
8 do that while you were there?

9 A. Yes. What those systems
10 were from a supply chain side, I don't
11 know, it may have been QAD as well.

12 Q. Did customer service play
13 any role in maintaining supply?

14 A. I would say yes to that.

15 Q. What role did customer
16 service play in maintaining supply?

17 A. We were the -- we were the
18 ones that communicated when we were -- I
19 mean, they could see on the supply chain
20 side when we were out of stock, right.
21 But we were the ones communicating with
22 customers on a daily basis. And this has
23 nothing to do with controlled drugs.
24 This is across all drugs. You may have a

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1 noncontrolled drug that is causing a lot
2 of pain with customers in the market
3 and -- and customers are highly
4 inconvenienced, patients, because they
5 can't access the drug. So we were the
6 voice of the customer, and we would --
7 like sometimes it was like the one who
8 screamed the loudest. Like, hey, we need
9 you guys to shift your -- your
10 priorities, because this one is killing
11 us. You know, so we would communicate
12 about customer needs.

13 Q. Okay.

14 A. But to that extent, like we
15 didn't drive, you know, what their plans
16 should be, you know.

17 Q. You -- you've used the term
18 customers, customer department, customer
19 service, you've used the word customers a
20 lot throughout the deposition so far. So
21 I just want to clarify for the record
22 what you mean when you say customers.

23 What do you mean when you
24 use the term "customers"?

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1 A. Well, in my role, customer
2 means many things. But if you had to put
3 them in order of importance, the customer
4 is the patient.

5 Q. Okay.

6 A. But customer to me I would
7 break it into two categories. Our
8 internal customers, those and other
9 departments surrounding us in the
10 company, that we also support in many
11 ways.

12 But the customer can be a
13 wholesaler. They can be a distributor, a
14 retail chain. But ultimately the
15 customer that every single one of us in
16 the supply chain is supporting is the
17 patient.

18 Q. So the patient then, is a
19 customer; is that correct?

20 A. Absolutely.

21 Q. Are wholesalers customers?

22 A. Yes.

23 Q. Are pharmacies customers?

24 A. Not directly that we do

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1 transactional data with them. But they
2 are customers, because they are
3 purchasing our product, yes.

4 Q. Are prescribers customers?

5 A. Because I've never had any
6 involvement with prescribers, I've never
7 really thought about that. But sure, if
8 prescribers are using -- are prescribing
9 our product, I guess you can consider
10 them customers. They've never been a
11 customer in my focus though, so I never
12 really thought about -- thought about
13 prescribers.

14 Q. Was maintaining strong
15 customer relationships a part of your job
16 function?

17 A. Yes.

18 Q. And what customer
19 relationships did you maintain, what --
20 with which customers did you maintain
21 relationships?

22 A. Wholesalers, distributors,
23 retail chains. In some aspects we would
24 deal with pharmacies, maybe they called,

1 they had a question on ingredients.
 2 Maybe you had a customer call and cry on
 3 the phone because they couldn't get
 4 access to a certain drug. Or they
 5 couldn't afford a certain drug, and we
 6 would point them to certain programs that
 7 might be able to help them.
 8 So, you know, our service
 9 spanned across all those groups.
 10 Q. Okay. I'm going to
 11 introduce a document into the record that
 12 I'd like to ask you about. It's Tab 20.
 13 It may take him some time to do that.
 14 (Document marked for
 15 identification as Exhibit
 16 Baran-5.)
 17 BY MS. ANTULLIS:
 18 Q. This is Exhibit Number 5.
 19 It's ALLERGAN_MDL_00478433 through 8435.
 20 Sorry about that.
 21 A. Thank you.
 22 Q. So the e-mail -- this begins
 23 on the bottom of Page 2. It's an e-mail
 24 chain.

1 says InfoUS. Can you tell me what that
 2 is?
 3 A. I believe that was the
 4 e-mail identifier, which would be like
 5 someone could go on the internet and hit,
 6 ask me, contact me. It was the -- the
 7 general company access for someone that
 8 doesn't normally have communications with
 9 us.
 10 Like if I wanted to contact
 11 a random company, I would go on their
 12 website and hit a button and that's where
 13 I would land.
 14 Q. Understood.
 15 A. We didn't -- we didn't get a
 16 tremendous amount of these so much. I
 17 mean you did, you had like product
 18 complaints. Like my pills have crushed
 19 and, you know, that kind of stuff.
 20 Q. Okay.
 21 A. So -- marketing managed the
 22 inbox because they were responsible for
 23 the website, and they would triage
 24 inquiries to appropriate groups.

1 A. Okay.
 2 Q. So the e-mail starts with a
 3 woman named Maria Sakach, February 8,
 4 2012. And it says it's a comment or
 5 query. "Hello, I'm a pharmacist with
 6 Publix in South Florida. We order our
 7 medications primarily from McKesson, and
 8 one of the medications we order is the
 9 Actavis brand of Oxycodone. Recently we
 10 have been unable to order any of this
 11 medication because McKesson has stated
 12 that the manufacturer is limiting the
 13 amount that it is sending them."
 14 A. Okay.
 15 Q. So is this the kind of
 16 contact then that you -- that you were
 17 referring to from pharmacies asking about
 18 supplier materials?
 19 A. Something like this would
 20 happen. And that would happen from the
 21 patient too.
 22 Q. Okay. So who did -- what is
 23 InfoUS? This says it's from -- there's a
 24 from line and a to line. And the to line

1 Q. What department did David
 2 Myers work with?
 3 A. Marketing.
 4 Q. Marketing. Okay. So --
 5 A. He managed the website.
 6 Q. So David, David Myers then
 7 sends this to yourself, Rachelle Galant,
 8 and Jinping -- Jinping McCormick?
 9 A. Correct.
 10 Q. Am I saying that correctly?
 11 A. Yes.
 12 Q. Okay. Says, "Are there any
 13 thoughts on how I should respond to the
 14 e-mail below?"
 15 Why would David Myers send
 16 that to -- to you?
 17 A. If you don't mind can I take
 18 a moment to read the whole chain to see
 19 what this is?
 20 Q. Go ahead. Actually, you
 21 know, we're going to get to -- I'll let
 22 you read the first page when we get to
 23 it.
 24 A. Okay.

1 Q. So go ahead and read the
2 e-mail --
3 A. I'm just starting from the
4 bottom --
5 MS. LEVY: You can read the
6 e-mail if you're going to get
7 asked questions about it.
8 MS. ANTULLIS: I'm going to
9 let her read the whole e-mail, but
10 I want to go through it as we go.
11 BY MS. ANTULLIS:
12 Q. So you can read the bottom.
13 A. Okay.
14 Q. Read the top. And answer my
15 question. And then we'll flip the page
16 and then you can read the first page.
17 MS. LEVY: So I'm going to
18 instruct you to read the entire
19 document and then to answer
20 questions. And not to answer
21 questions prior to that.
22 MS. ANTULLIS: That's an
23 improper objection. That's an
24 improper instruction.

1 you?
2 A. Because we represented the
3 customer and if we didn't -- first of
4 all, his job was not to answer inquiries.
5 His job was to pull them off the
6 website --
7 Q. And why would he forward it
8 to you?
9 MS. LEVY: Hang on. Let her
10 finish her answer. Please don't
11 interrupt her.
12 THE WITNESS: He was
13 triaging them, and he would
14 forward it to me because it's my
15 job to make sure a customer of any
16 shape and form is answered.
17 BY MS. ANTULLIS:
18 Q. Okay.
19 A. It doesn't necessarily mean
20 when he sends it to me that I've got all
21 the answers. But it's my job to make
22 sure that I find out what the answers
23 are.
24 Q. What department is Jinping

1 MS. LEVY: That's fine.
2 MS. ANTULLIS: I want to put
3 that on the record.
4 MS. LEVY: Your objection to
5 my objection is noted.
6 THE WITNESS: Okay. I will
7 be happy to comply. Just give me
8 one moment and I'll read this for
9 you.
10 BY MS. ANTULLIS:
11 Q. Hold on. The problem is
12 it's an improper instruction. So I will
13 let you read it because you've asked me
14 to let you read the entire document. So
15 I'm going to let you do that.
16 A. Okay. I mean my goal is --
17 Q. Because you have asked, not
18 because --
19 A. My goal is to just make sure
20 that I answer properly.
21 Okay. I'm comfortable.
22 Thank you for your patience.
23 Q. So my question was, why
24 would David Myers forward this e-mail to

1 McCormick in?
2 A. Jinping was the head of
3 marketing. So Rachelle and David
4 reported to Jinping.
5 Q. So it went to -- from a
6 marketing person to two marketing people
7 and then yourself; is that correct?
8 A. Yeah.
9 Q. And if we turn the page.
10 Rachelle responds with a proposed --
11 proposed response that the market share
12 appears to be experiencing a shortage of
13 oxycodone, correct?
14 A. Yes.
15 Q. So then, your response
16 says -- in the first sentence, it says,
17 "We can't control nor do we know how
18 McKesson goes about allocating and
19 shipping quantities of oxy." Correct?
20 A. That's correct.
21 Q. Okay. So earlier, you said
22 that Rachelle Galant used a system called
23 ValueTrak to -- to -- to track the sales
24 of its -- of Actavis drugs to

1 wholesalers' customers; is that correct?

2 A. Yes. To some extent.

3 Q. Okay.

4 A. It was -- you know, go
5 ahead.

6 Q. So what did that system
7 allow you to track?

8 A. So it looked at data down --
9 it really looked at three components.
10 I'm just going to try to make sure I get
11 them correctly. The first one it looked
12 at was -- you know, is a customer
13 purchasing from multiple sources.

14 So for example, it's very
15 common for a pharmacy to have a primary
16 wholesaler and a backup, right. Why
17 wouldn't you? And sometimes maybe they
18 have three sources if they want to ensure
19 continuous supply.

20 But it would be very
21 suspicious to us based on our categories
22 we set up for one pharmacy to have
23 multiple sources. So that was the first
24 element.

1 A. In that specific statement,
2 when I use the word "customers" it's very
3 easy for me to answer. And not to throw
4 Walgreens under the bus, but I'll use
5 them as an example just for purposes of
6 example.

7 Let's face it. When you're
8 a -- and this is my opinion, and this
9 ties to what the e-mail is about. When
10 you're a Walgreens pharmacist, and you
11 choose not to supply a patient walking in
12 for whatever reason -- I don't know how
13 they make that determination. That's not
14 my job. I have to imagine it's a lot
15 more difficult because you have that
16 patient and customer in front of you.

17 So regardless of whatever
18 criteria they use and what their policies
19 and procedures tell them to do, when they
20 should supply and when they shouldn't, I
21 don't know. That's not for me to know.
22 But when they're telling a customer, they
23 aren't going to supply them, you know,
24 there would be times where we had supply.

1 The second one was

2 historical purchases.

3 And the third element was
4 comparing it to like customers. That was
5 the intent of that program.

6 Q. Okay. So what data was
7 input into the ValueTrak system that
8 allowed it to track those three criteria?

9 A. I'm going to try to answer
10 that question. But technically in the
11 answers, like, I don't know codes and
12 the -- it was the data coming backup from
13 the wholesalers. And there's maybe
14 quality 67 data. I don't -- I don't
15 remember the numbers. But it was data
16 coming back from the wholesalers.

17 Q. Just before I forget to ask
18 this. The second sentence, I believe it
19 says, "We know customers throw us under
20 the bus for not supplying."

21 A. Oh, yeah.

22 Q. Who are you referring to
23 when you use the word "customers" in that
24 statement?

1 That wasn't an issue. But they were
2 perhaps telling -- a pharmacy level was
3 telling a customer, oh, there's no
4 supply. We're out of stock, the
5 manufacturer is not, you know, giving us
6 enough, simply to make that go away.

7 And what happened is then
8 that puts those calls back on us. And we
9 would look at what we're supplying.

10 And unless at this point in
11 time -- and I can't say today. This
12 e-mail could have happened at one of two
13 times. It could have happened when our
14 supply was good, or it could have
15 happened when we were in a market
16 shortage. You know, maybe another
17 manufacturer -- I'm just going to make
18 something up. Maybe there were four
19 players in the market, and someone jumped
20 out so there were shortages. That could
21 be the case. Or the --

22 Q. Can I just direct you to the
23 first e-mail --

24 A. Yeah.

1 Q. -- the first sentence of the
2 e-mail that we just went through. Just
3 go ahead and read it.

4 A. I mean, that's exactly what
5 I'm saying. I mean it's basically --

6 Q. But in this situation --

7 A. -- they're saying they can't
8 supply --

9 MS. LEVY: You guys are
10 talking over each other. Try to
11 listen to her specific question
12 and then answer that question.

13 THE WITNESS: Okay.

14 BY MS. ANTULLIS:

15 Q. All right. So in this
16 situation, you say it comes down to the
17 fact that we're supplying numbers way
18 above normal, so to blame it on a market
19 shortage isn't really it. In this
20 particular situation, is there supply
21 available?

22 A. To answer that specific
23 question, based on that, this e-mail is
24 saying that there is product, yes, we are

1 supplying, and for some reason they must
2 be choosing not to supply. And that's --

3 Q. Okay. Thank you.

4 A. -- not for us to say. Yeah.

5 Q. Okay. So --

6 A. I didn't want to get that
7 wrong.

8 Q. Sorry. So the indirect SOM
9 process implemented at Actavis, did that
10 exist prior -- was there an indirect
11 suspicious order monitoring program prior
12 to 2011 at Actavis?

13 A. No. Not on the indirect
14 side.

15 Q. Okay. Can you explain to me
16 why -- please explain -- why did Actavis
17 decide to institute an indirect
18 suspicious order monitoring program?

19 A. As I mentioned earlier
20 today, you know, when I was assigned this
21 task, it was our goal to make sure that
22 we were doing everything possible to
23 protect the integrity of the supply chain
24 and to ensure and prevent diversion. So

1 we weren't satisfied with good. We
2 wanted to be great. And this effort was
3 our step to bring things, as I mentioned
4 earlier, to the next level.

5 Q. Did you ever have any
6 conversations with the DEA regarding the
7 "Know Your Customer's Customer" guidance?

8 A. Absolutely.

9 Q. Okay. When did you have
10 those conversations?

11 A. I don't know the exact date,
12 but I will say it was probably -- it was
13 shortly before the Watson transaction
14 closed, which I think was in the fall of
15 2012. So maybe this was September 2012.
16 But please don't quote me on that.

17 Q. We'll get to it later in the
18 day.

19 A. Okay.

20 Q. We have documents --

21 A. Okay.

22 Q. -- that may help refresh
23 your recollection.

24 A. Okay. Yeah, there was a

1 presentation that I prepared that has
2 hopefully been found in discovery
3 somewhere that would tell you the exact
4 date.

5 Q. Okay. So as of February of
6 2012, when this e-mail was written, were
7 you aware of any "Know Your Customer's
8 Customer" guidance?

9 A. Can you repeat that? I
10 don't know --

11 Q. Have you ever heard the
12 phrase "Know Your Customer's Customer"
13 in -- by February of 2012?

14 A. Yes.

15 Q. Okay. Had Actavis started
16 to implement any procedures or policies
17 to try to know your customer's customer
18 by February of 2012?

19 A. Several. Several
20 procedures.

21 Q. Okay. So when you got this,
22 if you remember, do you remember this
23 particular e-mail by any chance? You
24 said there weren't that many of them?

1 A. This e-mail.

2 Q. When you received it. Do
3 you remember receiving it?

4 A. I would say that there would
5 be potentially even a few others. I mean
6 this didn't happen everyday. But when I
7 see something like this, it doesn't -- it
8 doesn't surprise me. So I --

9 Q. So when you receive an
10 e-mail like this, this e-mail or an
11 e-mail like this, did you -- did you do
12 any investigation to determine why
13 McKesson might not be supplying that
14 particular pharmacy?

15 A. So what you have to
16 understand, to answer that question, is
17 being a manufacturer of a product like
18 oxycodone, it was not uncommon -- we may
19 not get customers write on the website
20 very often, but it was not that uncommon
21 where you had customers calling --
22 customers defined in this case as
23 patients -- looking for oxycodone.

24 It was very difficult. If

1 you were to break down our role and what
2 some of the challenges were, I mean, you
3 were dealing with patients, you know,
4 crying on the phone, and we, as customer
5 service reps, had no differentiation of
6 knowing if this is truly a cancer
7 patient, for example, that's being turned
8 away at a pharmacy, or an addict that's
9 calling trying to find any way to get
10 drugs. I mean, when you're on the phone
11 with somebody, you don't have that.

12 But all we could do is treat
13 every call and patient, customer, with
14 respect, and help them in the best
15 ability we can.

16 There were -- there were
17 certain occasions where you know, maybe
18 someone couldn't access a product, we saw
19 it was in the supply chain, and we would
20 work with -- we would pick up the phone
21 and call the wholesaler and say look, you
22 know, there is inventory sitting in this
23 location. Let's figure out maybe why
24 there's a bottleneck getting it from that

1 DC to the local pharmacy. There would be
2 times where we would aid in that
3 investigation.

4 But to answer your original
5 question. Every time we got a patient
6 calling us saying that, listen, the
7 pharmacy won't give me oxycodone, we did
8 not have the capacity to investigate
9 every patient.

10 Q. Okay. But in this
11 particular example, the customer is the
12 pharmacy, correct, Publix? It's on
13 Page 2.

14 A. Yes.

15 Q. So the pharmacy then is
16 contacting you to state that it does not
17 have a supply of oxycodone, correct?

18 A. Mm-hmm.

19 Q. And your response to Michael
20 Perfetto, Rachele Galant, David Myers
21 and the other people listed here is that
22 you're supplying numbers way above
23 normal, correct? That's what that says?

24 A. In other words, there's

1 supply in the market. In other words,
2 we're not in shortage.

3 Q. Okay. So now you're aware
4 then that there is supply in the market.
5 And this particular pharmacy is claiming
6 that McKesson is telling them they don't
7 have supply, right?

8 A. Correct.

9 Q. Did you conduct any
10 investigation to determine whether
11 McKesson was withholding supply from that
12 pharmacy?

13 A. To answer your question, I
14 can't sit here and say that we never did.
15 But in terms of general practice, you
16 know, the wholesalers were making
17 determination on their customer and why
18 they were not shipping. And it was not
19 our practice to question. If they
20 decided there was someone they weren't
21 shipping to, we didn't tell them they
22 should.

23 Q. Okay. Thank you. You can
24 put that aside for now.

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1 What is your understanding
2 of Actavis's responsibilities under
3 federal law with respect to the control
4 of the supply chain of opioids?
5 A. Repeat that one more time.
6 Q. What is your understanding
7 of Actavis responsibilities under federal
8 law with respect to the control of the
9 supply chain of opioids?
10 A. I mean in short, the way I
11 would describe it is we were tasked and
12 our responsibility was to design and
13 operate a system that would detect,
14 manage, and monitor suspicious orders.
15 Detect -- design and operate a system.
16 It's a short description.
17 Q. And so are you aware of --
18 you already say that you're familiar with
19 the Controlled Substances Act?
20 A. Mm-hmm.
21 Q. Is Actavis registered as --
22 is or was during your time, Actavis
23 registered as a manufacturer under the
24 Controlled Substances Act?

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1 sorry, it's been so long. I forget how
2 that terminology was used, the closed
3 part of it.
4 Q. Do you understand that the
5 purpose of the Controlled Substances Act
6 is to prevent the diversion of controlled
7 substances --
8 A. Yes.
9 Q. -- for -- okay.
10 I'm going to introduce
11 another record, another document into the
12 record. It's --
13 THE VIDEOGRAPHER: I have to
14 change --
15 MS. ANTULLIS: Okay.
16 MS. LEVY: Let's also have a
17 restroom break if it's a
18 convenient time.
19 THE VIDEOGRAPHER: The time
20 is 11:52 a.m. Going off the
21 record.
22 (Short break.)
23 THE VIDEOGRAPHER: Okay. We
24 are back on the record. The time

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1 A. Yes, we were a manufacturer.
2 Q. Okay. So during your time
3 at Actavis, was the company required, by
4 the Controlled Substances Act, to provide
5 effective controls and procedures to
6 guard against diversion and theft of
7 controlled substances?
8 A. Yes.
9 Q. During your time at Actavis,
10 was the company required by the
11 Controlled Substances Act to report
12 suspicious orders of controlled
13 substances to the Drug Enforcement
14 Administration?
15 A. Yes.
16 Q. During your time at Actavis
17 were you aware of the Controlled
18 Substances Act reference to the
19 importance of a closed system?
20 A. You know, I -- I remember
21 that terminology. Closed system. But
22 I'm trying to remember how it was used.
23 It read right in the
24 regulation, the closed system, but I'm

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1 is 12:03 p.m.
2 BY MS. ANTULLIS:
3 Q. I was going to give you an
4 exhibit. While I'm looking for my
5 exhibit, can you tell me if you ever
6 participated in any working group,
7 internal working group at Actavis to
8 discuss -- internal working group at
9 Actavis involving the suspicious order
10 monitoring program?
11 A. Yes.
12 Q. Okay. And do you know when
13 that working group -- when did you join
14 that working group?
15 A. It was in the same -- around
16 the same time I took on the initiative to
17 enhance our processes. So sometime
18 spring, late spring of 2011 maybe.
19 Q. And did that working group
20 exist prior to your joining it?
21 A. I couldn't answer that
22 question, because I wasn't involved, so I
23 don't know.
24 Q. Who were the members of the

1 working group while you were on it?

2 A. Yeah, so I can name some
3 that I recall.

4 It's not necessarily going
5 to be all inclusive. But first and
6 foremost, there was a steering committee,
7 senior executives that were driving the
8 importance of this initiative down into
9 the organization.

10 And I know my boss, Michael
11 Perfetto was one of those on the steering
12 committee. And I believe there were,
13 like, one or two others. I'm not sure
14 exactly who it was. It may have been our
15 lawyer, Michael Clark. I'm not certain
16 of that. But we had a steering committee
17 nonetheless.

18 And then we had legal
19 participation to help us through and make
20 sure we were interpreting the regulations
21 and the guidelines properly.

22 We had our security person,
23 our DEA contact. She is not from the
24 DEA. She actually had a history, I

1 think, working in the DEA. But she was
2 in our security group. If we needed to
3 make contact with the DEA for any reason,
4 she was the point person. It wouldn't be
5 me calling them.

6 And then -- you know, then
7 you had, like, groups like mine in the
8 middle that were executing the processes.
9 So it wasn't a fairly wide group, but
10 there was representation from the key
11 areas.

12 Q. And, so you testified that
13 there was a steering committee and that
14 Michael Perfetto was on the steering
15 committee.

16 Was the steering committee a
17 part of the internal working group?

18 A. I wouldn't say they were a
19 part of the working group. We had to
20 report back to them, so they knew it was
21 done.

22 Q. Okay. So it's a separate
23 group from the working group; is that
24 correct?

1 A. Yeah. They sat on the top.

2 And they pushed down to make sure we were
3 doing what we were supposed to. But they
4 weren't involved in the details in terms
5 of, you know, designing, right. We were
6 accountable to them.

7 Q. Do you remember the members
8 of the actual working group?

9 A. Once again, I'll name a few
10 that I remember, because they were, you
11 know, instrumental in our success. But I
12 will go on record saying that there may
13 be someone I'm going to miss because it's
14 been seven years.

15 So Rachelle Galant was
16 instrumental from marketing. She was the
17 person that really helped us drive this
18 indirect initiative. And of course
19 because she was involved, Jinping
20 McCormick supported and gave input as
21 well. Umesh Solanki was our IT person
22 that took the solution that was built by
23 the consultant we hired. And he was
24 responsible for integrating that into our

1 systems.

2 He had a person named Wansun
3 Park, I think it was. And Wansun, I
4 don't even know if he was an employee.
5 He may have been a consultant. But he
6 partnered with Umesh. The two of them
7 were really instrumental in taking the
8 solution that was turned over to us and
9 implementing it.

10 I'm trying to think who
11 else.

12 So John Duff was on the
13 legal staff. And he was a really
14 valuable resource to us. And off the top
15 of my head, those are some of the people
16 that were key.

17 Q. Do you remember if Michael
18 Clark was a member of the working group?

19 A. Yeah. Yeah, I think I
20 mentioned him earlier.

21 Q. Right. I just wanted to
22 clarify. Was there -- do you recall if
23 there was an industry working group
24 external to Actavis relating to

1 suspicious order monitoring?
 2 A. Not that I'm aware of.
 3 Q. So I'm going to give you
 4 what we're marking as Exhibit 6.
 5 (Document marked for
 6 identification as Exhibit
 7 Baran-6.)
 8 MS. ANTULLIS: It's
 9 ALLERGAN_MDL_03525593.
 10 THE WITNESS: Thank you.
 11 Yes.
 12 BY MS. ANTULLIS:
 13 Q. This appears to be -- first
 14 of all, do you recognize this document,
 15 this e-mail?
 16 A. Yes.
 17 Q. Do you recognize the e-mail?
 18 A. I don't recognize the
 19 e-mail.
 20 Q. Do you remember sending this
 21 letter -- the attached letter to Michael
 22 Clark in or around September of 2012?
 23 A. I don't recall, but I'm not
 24 saying that I didn't.

1 A. Oh, I imagine so. But I
 2 don't recall the date.
 3 Q. Do you remember reading this
 4 letter during your initiation process
 5 when you were initially hired?
 6 A. I am -- would venture to
 7 guess, yes. It was at that time that
 8 I -- like I said, I've seen it on more
 9 than one occasion. So I would -- I can't
 10 be certain that I read it at that exact
 11 time of the initiation. But it wouldn't
 12 be outside of a realm of possibility
 13 because it's -- yeah.
 14 Q. When you sent -- you sent
 15 this letter to Michael Clark in September
 16 of 2012. Where would you have -- what
 17 system or database or file would you have
 18 gone to at Actavis to find this letter?
 19 Would it have been in your own files?
 20 A. It could have been. I'm not
 21 sure where I would have gotten it from.
 22 I may have had it for a year or I may
 23 have just gotten it the day before and
 24 forwarded it. I don't know.

1 Q. Do you know -- is this
 2 something that you would have done in the
 3 normal course of business?
 4 A. Sure. He may have needed a
 5 copy and didn't have it at the time.
 6 Q. Do you have any reason to
 7 believe that this was not an e-mail from
 8 you to Michael Clark?
 9 A. No.
 10 Q. So let's -- yes, please flip
 11 to the attachment, which I see you've
 12 already done. Do you recognize this
 13 attached letter?
 14 A. Yes, I do.
 15 Q. Do you recall when the first
 16 time -- do you recall when you first saw
 17 this letter?
 18 A. I've read it so many times
 19 on different occasions, but I don't
 20 recall when the first time would have
 21 been. I don't even know if I could
 22 guess.
 23 Q. Do you recall if it was
 24 prior to September of 2012?

1 Q. Are you familiar with the
 2 contents of this letter?
 3 A. Definitely familiar with it.
 4 I'm going to admittedly say I'm rusty. I
 5 haven't even been working for two years.
 6 My brain is probably not going to be able
 7 to talk to it very much. But yes, I'm
 8 familiar with the fact that this letter
 9 from 2007 existed.
 10 Q. Were you familiar with the
 11 contents of this letter during your
 12 employment at Actavis?
 13 A. Yes.
 14 Q. So in the -- in the second
 15 full paragraph -- well, first of all
 16 let's establish. Is this a letter from
 17 the Department of Justice to Actavis? Is
 18 that your understanding of what this is?
 19 A. To Actavis? I don't know if
 20 I could say that. It could be something
 21 that all manufacturers got. I don't -- I
 22 don't know that. I mean, was it
 23 specifically sent to Actavis or was it
 24 more broadly distributed? I don't know

1 at this time.

2 Q. So was the letter sent to
3 Actavis?

4 A. Well, somehow we got it, but
5 I can't say seven years later how that
6 happened. I don't remember.

7 Q. Okay. Are you -- is it your
8 understanding that Actavis -- is it your
9 understanding that the guidelines
10 provided in this letter are applicable to
11 Actavis's suspicious order monitoring
12 program?

13 A. Sure. We were maintaining
14 systems to detect suspicious order. And
15 that's what this speaks to. I mean, I
16 haven't read this in years. And I can
17 read it in detail if you want to ask me
18 specific questions on the letter.

19 Q. Sure. Let's go to the
20 second paragraph. It says, first
21 sentence, and we've already discussed
22 this, "In addition to, and not in lieu of
23 the general requirement under 21 U.S.C.
24 823 that manufactures and distributors

1 maintain effective controls against
2 diversion, DEA regulations require all
3 manufacturers and distributors to report
4 suspicious orders of controlled
5 substances."

6 Did you understand that to
7 be a requirement that Actavis was bound
8 to follow?

9 A. Yes.

10 Q. Second sentence, "DEA" --
11 excuse me.

12 "Title 21 C.F.R. 1301.74(b)
13 specifically requires that a registrant
14 design and operate a system to disclose
15 to the registrant suspicious orders of
16 controlled substances."

17 Was it your understanding
18 that that was a requirement that Actavis
19 was bound to follow?

20 A. Yes. That was my
21 understanding.

22 Q. It says the next page -- two
23 sentences later, it says, "Accordingly
24 the DEA does not approve or otherwise

1 endorse any specific system for reporting
2 suspicious orders."

3 A. Yes. I definitely recall
4 that.

5 Q. Okay. So did you understand
6 that to be the case, that the DEA would
7 not endorse a system?

8 A. Yes. Because, you know, I
9 can't speak for any other manufacturers,
10 I don't know what they did. But we were
11 always looking and striving to be better
12 and to get validation and they were not
13 willing -- you know, we were looking for
14 that stamp of approval.

15 Listen. Look at what we're
16 doing, here is what we're doing. If
17 there's something we're missing,
18 something that we need to do differently,
19 let us know. Give us your validation
20 that this is what you mean in this vague
21 letter of yours. And they were not
22 willing to do that.

23 Q. Okay. You used the word
24 "vague," you said vague letter. Do you

1 feel -- was it your belief while you were
2 working at Actavis that the requirements
3 of the CSA were vague?

4 A. I -- I believe that the
5 direction from the DEA was vague.

6 Q. Is it your under -- was it
7 your understanding while you were at
8 Actavis that the requirements of the
9 Controlled Substance Act were vague?

10 A. Say that, I'm sorry, one
11 more time.

12 Q. So I'm asking about the
13 Controlled Substances Act, not the --

14 A. The act, okay.

15 Q. -- not the letter. Okay.
16 Per se. I'm asking specifically about
17 the Controlled Substance Act.

18 Was it your understanding
19 that while you were at Actavis that the
20 requirements of the Controlled Substance
21 Act to -- to prevent diversion were
22 vague?

23 A. I think they -- I would -- I
24 would define that as vague. I mean,

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1 yeah. I would -- I would say yes.

2 Q. Was it your understanding
3 while you were at Actavis that the --
4 that the parameters of a -- the
5 criteria -- was it your understanding
6 while you were at Actavis that the
7 criteria for a quote-unquote successful
8 suspicious order monitoring program were
9 vague?

10 A. That's correct. I mean, the
11 DEA never came out and said here is
12 exactly what you need to do. They said,
13 here is what you need to do, up here. So
14 yes, vague is a good description.

15 Q. And I'm going to continue
16 down on the letter. I'm going to go to
17 the third paragraph which you can read.

18 A. Yes.

19 Q. Okay. So the first sentence
20 says, "The regulation requires" -- "also
21 requires that the registrant inform the
22 local DEA division office of suspicious
23 orders when discovered by the
24 registrant."

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1 that. And that wasn't my responsibility.
2 I didn't have the communication with
3 them, so I don't know if there was a
4 specific time frame.

5 Q. So in the third -- third
6 paragraph it says, "The regulation
7 specifically states that suspicious
8 orders include orders of an unusual size,
9 orders deviating substantially from a
10 normal pattern, and orders of an unusual
11 frequency."

12 Is it your understanding
13 that -- are the -- the -- the three
14 prongs that are laid out there, are those
15 three prongs consistent with your
16 understanding of what criteria go into
17 determining whether an order is
18 suspicious or not?

19 A. Absolutely.

20 Q. Do you understand that --
21 those criteria to be disjunctive?

22 A. Disjunctive, can you
23 describe disjunctive?

24 Q. Well, let's read the next

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1 Is it your understanding
2 that that was a -- a requirement that
3 Actavis was bound to follow?

4 A. Absolutely.

5 Q. Was it your -- what was your
6 understanding of the term "when
7 discovered" while you were working at
8 Actavis?

9 A. So "when discovered," the
10 way I would define that is not an order
11 of interest. DEA doesn't want five
12 reports a day with a bunch of orders on
13 it. That definition is an order that
14 would be deemed suspicious. We've looked
15 at it. We can't make sense of it.
16 There's no rhyme or reason. Something
17 doesn't smell right. That to me would --
18 would be this definition. One -- an
19 order that we would cancel in its
20 entirety.

21 Q. Was there a time frame in
22 which you had to provide a suspicious
23 order report to the DEA?

24 A. I don't -- I don't recall

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1 sentence. It says, "These criteria are
2 disjunctive and are not all-inclusive."

3 MS. LEVY: Do you have a
4 question?

5 MS. ANTULLIS: Yes.

6 BY MS. ANTULLIS:

7 Q. So what is your
8 understanding of "disjunctive" and "not
9 all-inclusive"?

10 A. To me, the way I would
11 describe that is that doesn't mean that's
12 all you have to do, right. You still
13 have to be a responsible manufacturer.
14 You still have to know who you are
15 selling to. Are they properly licensed.
16 Do they have the right vault storage, you
17 know. Are they selling -- you know, is
18 someone coming to you and buying
19 99 percent controlled drugs only. You
20 know, you still have to have other areas
21 of responsibility, not -- not just
22 limited to those three things. That's
23 how I would describe that.

24 Q. In 2012 you describe -- I'm

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1 sorry. Forgive me.

2 In 2011 you said you began a
3 project to enhance the suspicious order
4 monitoring policies and procedures at
5 Actavis; is that correct?

6 A. That's correct.

7 Q. When you instituted --
8 what -- as part of the -- as part of that
9 project, did you look at those
10 requirements and try to determine how to
11 capture them through your -- how to
12 analyze them through your suspicious
13 order monitoring investigation?

14 A. Absolutely. There were key
15 components.

16 Q. Okay. Did you change the
17 way that you applied those criteria?

18 A. Yes, because we had a
19 brand-new algorithm that was built, and
20 yeah, I would say yes.

21 Q. Okay. So without getting
22 into the details of the algorithm right
23 now. We will address that later. But
24 what is your understanding as to how

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1 Actavis's evaluation of those criteria
2 changed?

3 A. Well, first of all, in terms
4 of how it changed, it made it more
5 automated and -- I'm not sure I
6 understand the question. Can you
7 redefine the question?

8 Q. So yeah, sure. So I asked
9 you previously whether Actavis changed
10 the way it analyzed and -- and applied
11 the criteria listed here following the
12 2011 project enhancement that you
13 testified about earlier. And I believe,
14 correct me if I'm wrong, but I believe
15 you said yes, that it did change.

16 A. Yes. Or it wouldn't have
17 been able to --

18 Q. I'm trying to ascertain what
19 that change was.

20 A. So what the change was after
21 the project. We made sure there was
22 equal attention to the different
23 attributes, right, it wasn't just based
24 on historical purchases. You know, we

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1 were -- the -- the algorithm captured
2 and -- and had a score -- first of all,
3 the algorithm is this formulaic equation
4 that's this long. And I certainly can't
5 speak to that. But there are documents
6 that should be on record that -- that
7 can.

8 And basically it just -- it
9 took all the different attributes and
10 weighted them and gave an order, a score,
11 kind of like matching it up to what the
12 DEA is -- is looking for. And if it --
13 if it didn't meet the score it should, it
14 would spit out as -- as an order of
15 interest.

16 To answer your question, I
17 think more accurately, on like some of
18 the changes. You know, the original
19 report, it gave us some level of detail
20 on where to start our investigation, but
21 it was a little bit more legwork.

22 You had to kind of figure
23 out like, why is this coming on here, you
24 know. There was some level of detail,

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1 like it's a first-time customer, and all
2 that. But the new process gave us a lot
3 more clarity on why it was failing, you
4 know, what aspects. And it could be one
5 or it could be several. And it really
6 just aided in our investigation and made
7 it a more efficient process, if that
8 answers your question.

9 Q. Well, that's a lot of useful
10 information, and I do appreciate it. But
11 I think I may not be asking the question
12 very clearly, so I'm going to try again.

13 I am trying to determine
14 whether Actavis's understanding of those
15 requirements changed over time while you
16 were at the company.

17 So did their understanding
18 of a suspicious order change over time?

19 A. Did their understanding of a
20 suspicious order -- I don't believe so,
21 because I mean I feel strongly we were
22 doing it right all along. We just
23 weren't doing -- we weren't operating
24 smart. You know what I mean?

1 Q. When you -- when you began
2 the new enhancement project in 2011, and
3 through 2012, did you seek guidance from
4 anyone on the requirements of a -- a --
5 you know, a suspicious order monitoring
6 program?

7 A. Absolutely. So when you --

8 Q. Who did you -- let me --

9 A. Yeah, go ahead.

10 Q. Who did you reach out to for
11 guidance on what would -- what would
12 constitute a successful program?

13 A. So, a little background. I
14 mean 25 years leading customer service
15 teams doesn't automatically make me an
16 expert implementing and driving projects
17 of this nature.

18 So, you don't start out as a
19 subject matter expert. But your goal is
20 you need to make yourself one. And the
21 only way you can do that is by doing what
22 you just said, seeking guidance and
23 counsel from others.

24 So the answer is absolutely

1 Solutions.

2 Q. And were there any other
3 outside consultants besides Cegedim?

4 A. Not that I recall.

5 Q. When did you hire Cegedim?

6 A. Best way to answer that
7 would -- I'm sure that our contract and
8 service agreement is on file somewhere.
9 And that would outline that rather than
10 me making a guess on dates. I don't
11 recall the dates. But there is a service
12 agreement and contract with them
13 outlining what they were doing for us.

14 Q. Okay. Let's go back to the
15 letter. On the second page, first full
16 paragraph.

17 A. First paragraph.

18 Q. The first sentence says,
19 "Registrants that rely on rigid formulas
20 to define whether an order is suspicious
21 may be failing to detect suspicious
22 orders."

23 First was it your
24 understanding that Actavis was bound by

1 yes. In terms of who, I mean I'll give
2 you examples. You know, our attorneys,
3 John Duff, Michael Clark. You know, as I
4 stated earlier, I -- I started this
5 process, you know, looking at what a
6 C.F.R. was, and, you know, I'm pretty
7 proud of -- of where I took our company.
8 I didn't do it alone. You know, if you
9 look at any of the documents that I'm
10 sure are out there somewhere, I had
11 really knowledgeable people supporting
12 this process. And I would never have
13 been able to do it alone so...

14 Q. Did you ever engage an
15 outside consultant to help you --

16 A. Yes.

17 Q. -- design a new suspicious
18 order monitoring --

19 A. Absolutely. We strived to
20 seek and find the best.

21 Q. And who was or were those
22 outside consultants?

23 A. Cegedim. I believe their
24 full name was Cegedim Compliance

1 that -- that statement during your time
2 there?

3 A. Yes.

4 Q. What is your understanding
5 of what a rigid formula is?

6 A. I guess the way I would
7 describe it is looking hard and fast at
8 very specific set of data, and the way --
9 the example that I know they provided,
10 and I think it's in this paragraph
11 somewhere, is you know, just comparing
12 purchases from today to yesterday or
13 today to last month. That would be very
14 rigid. That would be my description.

15 Q. Okay. What did Actavis do
16 to comply with the guidance provided in
17 this letter?

18 A. So I would never consider --
19 our solution was not rigid, for sure.

20 I could be wrong. I mean
21 there's documents that would support it
22 somewhere. I'm 95 percent sure we were
23 using six months of rolling history. So
24 we were looking at history over time.

1 Q. Were you looking at that
2 history over time in 2008?
3 A. Yes.
4 Q. Okay.
5 A. Yeah. Yeah.
6 Q. So I'd like to go back to an
7 earlier exhibit that we looked at, if I
8 can find it.
9 A. So can I -- can I clarify
10 something?
11 Q. Sure.
12 A. I don't even know if I was
13 employed in 2008. Well, when did I
14 start? January 2008. So yes. Based on
15 that answer, I don't take it back. I
16 thought that was before I started. I
17 don't think it was any different. But...
18 Q. We are going back to -- I
19 believe it's Exhibit Number 4, but I
20 could be wrong, because I have been
21 failing to mark my exhibits.
22 MS. LEVY: Going back to 4.
23 MS. ANTULLIS: So sorry.
24 BY MS. ANTULLIS:

1 A. Yes.
2 Q. And then if an order is
3 placed that's above -- a certain
4 percentage above that average, it's
5 flagged in the system as an order of
6 interest; is that correct?
7 A. Yes.
8 Q. Okay. And then what steps
9 do you take -- did you take in 2009 to
10 determine whether that order of interest
11 was in fact suspicious?
12 A. So --
13 Q. Let me take that back. What
14 criteria then did you look at?
15 Did you -- how did you
16 apply -- did you apply the guidance in
17 the 2007 letter to evaluating whether or
18 not an order of interest was suspicious?
19 MS. LEVY: Object to the
20 form. You can answer.
21 THE WITNESS: Okay. I think
22 this is similar to the question we
23 discussed earlier today. And we
24 looked at our process involved,

1 Q. Yeah, it's the 8/18/2009
2 e-mail.
3 A. Not the performance review?
4 Q. No. Is it Number 5? Is it
5 three?
6 A. It's hiding under there.
7 Sorry. Got it.
8 Q. Okay. So again, I'm trying
9 to understand the criteria that are
10 listed in bullet points as they apply to
11 Actavis's suspicious order monitoring
12 program in 2009, this particular e-mail
13 is written. It appears to state that if
14 the amount ordered by the customer is
15 over a certain percentage -- is a certain
16 percentage over the customer's rolling
17 average then it shows up on the report;
18 is that correct? Is that a correct
19 understanding?
20 A. I believe -- I believe so,
21 yes.
22 Q. Okay. So you have a method
23 for determining a six-month average,
24 customer average, correct, average order?

1 looked at -- every order wasn't
2 the same. It looked at a number
3 of things, and I don't have any
4 kind of documentation to review or
5 to speak to. But we had steps we
6 would take.
7 You know, is it a new
8 customer? Is it a new product
9 award? Is it a new product
10 launch? Is there something going
11 on in the market? There were four
12 manufacturers and something
13 happened, and one dropped out, so
14 of course you're going to see
15 increased demand.
16 You know, anything that
17 would have any logical explanation
18 to driving that.
19 And we would have to use
20 different resources to, you
21 know -- we didn't necessarily know
22 what was going on in the market.
23 We would have to consult different
24 groups to make sure that we were

1 informed in every decision.

2 But every -- every
3 investigation may have taken a
4 different route depending on the
5 circumstances.

6 BY MS. ANTULLIS:

7 Q. Once you decided that an
8 order was not -- that an order of
9 interest was not suspicious under the
10 criteria that you were applying, who at
11 Actavis had the authority to -- to
12 authorize -- had the authority to release
13 a pending order?

14 A. Okay. So nobody outside of
15 the customer service group had security
16 and that should be in some kind of
17 security document somewhere. You
18 couldn't have other groups that could go
19 in and release an order.

20 Q. Did you have a compliance
21 group at Actavis?

22 A. We had our legal/compliance.
23 But they didn't have access to release
24 anything either.

1 Can I go back to an earlier
2 question, because that triggers a
3 thought. You said what are some of the
4 new -- new things that you did in the new
5 enhancements.

6 The -- I hear buzzing.

7 In the new process,
8 everything was online and electronic.
9 There was no paper copies. If you
10 reviewed an order, your comments on your
11 investigation, what made you decide to
12 release that order were typed within the
13 system. It had a -- what is the proper
14 word? -- document flow like it would
15 track who did what. There's a term for
16 that. I'm just not thinking of it. You
17 can see at a given time, who released an
18 order, when and why. That was an example
19 of some of the benefits of our
20 improvements.

21 Q. And prior to the improvement
22 was there a system to track who released
23 an order and why?

24 A. Behind the scenes, the IT

1 group could see who touched it, you know,
2 from that standpoint, yes. But you
3 didn't have that documented workflow
4 electronically, like with the comments
5 and all that, no.

6 Q. So when you -- when you
7 conducted an investigation prior to the
8 enhancements, when you conducted an
9 investigation, were there particular
10 documents that you had to fill out?

11 A. No, there were no documents.

12 Q. Did you document the
13 investigation in any way?

14 A. Yeah, and a lot of them
15 there were simplistic. Documentation may
16 have been like a few words. Some of them
17 were more complex depending on what the
18 investigation entailed.

19 But that would be documented
20 on the report that was generated.

21 Q. When you say the report that
22 was generated, are you talking about the
23 suspicious order report?

24 A. Yes.

1 Q. Were those reports with your
2 handwritten documentation?

3 A. Yes.

4 Q. Is that right? Were those
5 reports with your handwritten
6 documentation in storage somewhere?

7 A. They were -- they were paper
8 filed.

9 Q. Do you know where the paper
10 files were located?

11 A. Within the corporate
12 documentation within customer service.

13 Q. Do you know who maintained
14 those paper files?

15 A. We did. I don't know for
16 what time period. You know, every
17 document had certain time they had to be
18 stored. And I don't know -- to be
19 honest, I don't recall.

20 Q. Do you remember if every
21 investigation was documented?

22 A. Like I said earlier, if you
23 had a report and you're releasing orders,
24 if you would look -- if you would look at

1 a line on the report, and it said
2 first-time buy, you couldn't just accept
3 that for what it was. You would look at
4 it, you would research, you investigate,
5 you see we have a new contract. Yes,
6 boom.

7 Well, given that, you know,
8 you did all the validation of what the
9 report was saying, but I'll be honest
10 with you, you didn't go in the report and
11 write an essay, well, I ran a report, I
12 verified. You know, there was not a lot
13 of -- we didn't write down more than we
14 needed to.

15 Q. Following the -- and is
16 "enhancement" the word that you use to
17 refer to the project in 2011 and 2012 to
18 change the suspicious order monitoring
19 program?

20 A. I would definitely call it
21 an enhancement. We were making it bigger
22 and better.

23 Q. I'm just making sure I'm
24 using your terminology.

1 A. Yes.

2 Q. Following the suspicious
3 order monitoring enhancement, were
4 investigation files electronically filed?

5 A. Yes. Absolutely.

6 Q. Were there more formulaic
7 investigatory documents? Were there --
8 were there forms that had to be filled
9 out in conducting an investigation of an
10 order of interest prior -- post 2011?

11 A. I don't recall forms, no.

12 Q. What -- what requirements
13 were there for documentation related to a
14 suspicious order?

15 A. There had to be an
16 explanation as to what conclusion that
17 person came to and what led them to
18 release the order.

19 Q. And when is the last time
20 you saw any of your -- your own
21 handwritten investigation notes?

22 A. I've been gone there
23 seven -- a long time.

24 Q. Okay. Do you recall the

1 last time you saw your handwritten notes?

2 A. Years. I don't know. My
3 handwritten notes?

4 Q. Mm-hmm.

5 A. No, I don't.

6 Q. Were there written
7 guidelines on what had to be recorded
8 when you were investigating an order of
9 interest prior to 2011?

10 A. Written guidelines prior to
11 2011, there could have been, but not that
12 I recall.

13 Q. Were there written
14 guidelines on what you had to record post
15 2011?

16 A. I'm -- I haven't read it
17 in -- in seven years, but I have to
18 imagine we would have been pretty
19 thorough and that would have been in our
20 SOP. But I could be wrong. I haven't
21 seen the SOP in seven years so...

22 Q. Okay.

23 A. We did have a process, it
24 was pretty thorough.

1 Q. So what would you say were
2 your, for lack of a better term, what
3 were the -- what were the pillars of your
4 role at Actavis?

5 MR. LUXTON: Objection to
6 form.

7 BY MS. ANTULLIS:

8 Q. Let me ask it a different
9 way. What were your goals while you
10 worked at Actavis?

11 A. My goals?

12 Q. Yeah, what were your -- what
13 were your -- your --

14 A. There was many goals --

15 MS. LEVY: Hang on. Let her
16 finish her question.

17 BY MS. ANTULLIS:

18 Q. Was customer satisfaction
19 one of your goals?

20 A. Sure.

21 Q. Was compliance with federal
22 regulations one of your goals?

23 A. Absolutely.

24 Q. Was streamlining systems

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1 part of your goals?
 2 A. Absolutely.
 3 Q. Was creating collaboration,
 4 cooperation among the teams part -- part
 5 of your goals?
 6 A. Yes.
 7 Q. Okay. Was making processes
 8 faster and more effective part of your
 9 goals?
 10 A. More effective and certainly
 11 faster, but not, you know, risking
 12 accuracy certainly. I don't like the
 13 word faster.
 14 Q. Okay.
 15 A. Efficient? And accurate.
 16 Q. All right. More
 17 efficient --
 18 A. Yeah, I don't like the word
 19 faster.
 20 Q. I -- I don't want to put
 21 words in your mouth, so...
 22 A. Yeah. Less manual.
 23 Q. Okay. Did you ever -- did
 24 you ever feel difficulty -- did you ever

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1 feel any tension in balancing those
 2 goals?
 3 A. No.
 4 Q. Did you ever feel like any
 5 of your goals were in conflict with --
 6 with each other?
 7 A. No.
 8 Q. Okay. Did you ever feel a
 9 conflict between complying with federal
 10 regulations and customer satisfaction?
 11 A. Oh absolutely no.
 12 Q. Okay. What would you define
 13 as a satisfied customer, what would you
 14 define as a satisfied wholesaler
 15 customer?
 16 A. So I mean, the way you're
 17 phrasing that, to me, because my goal is
 18 to satisfy a customer, it doesn't mean
 19 that they get everything they want,
 20 right? It's to the best of my ability,
 21 within my means, and within our
 22 guidelines and everything that we have to
 23 follow. We want to meet the customer's
 24 needs. But that doesn't mean that you

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1 can step outside of it. And I'll be the
 2 first to -- if, for example, if a
 3 customer calls and is rushing, rushing,
 4 wants a shipment quick and it's on hold,
 5 it's on hold. And it will get released
 6 when it gets released. And that's my
 7 position.
 8 I never stood down to
 9 anybody. And I want to make you happy,
 10 but I also have a job to do. So I never
 11 felt in conflict. I always felt in
 12 control.
 13 Q. Okay. So did you feel --
 14 did you ever feel pressure to ship an
 15 order prior to fully investigating
 16 whether or not it was suspicious?
 17 A. No. I don't think pressure
 18 is a good word, no.
 19 Q. So I would like to enter
 20 another exhibit, if I can find it.
 21 MS. ANTULLIS: Actually,
 22 I've just been told lunch is here.
 23 Maybe this is a good time to take
 24 a break so I don't waste your time

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1 looking for exhibits.
 2 MS. LEVY: Okay.
 3 THE VIDEOGRAPHER: The time
 4 is 12:43 p m. Going off the
 5 record.
 6 (Lunch break.)
 7 THE VIDEOGRAPHER: We are
 8 back on the record. The time is
 9 1:25 p m.
 10 BY MS. ANTULLIS:
 11 Q. Hi. So I want to go through
 12 a few questions for you first and then go
 13 back to what we were discussing
 14 previously.
 15 A. Okay.
 16 Q. At any point during your
 17 tenure at Actavis, did the company have a
 18 system to monitor publicly available data
 19 regarding opioid sales from other
 20 manufacturers?
 21 A. Did anytime during Actavis
 22 did we have data available -- repeat the
 23 other part?
 24 Q. To monitor sales from other

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1 opioid manufacturers?
 2 A. Not that I'm aware of. No.
 3 Q. Did you have access to the
 4 ARCOS data?
 5 A. I did not.
 6 Q. Did Actavis -- to your
 7 knowledge did Actavis have access to
 8 ARCOS data?
 9 A. I've heard of ARCOS referred
 10 to a lot. I'm not sure who had access to
 11 it, but someone must have, because I've
 12 heard discussions on it.
 13 Q. Do you -- do you know who
 14 would know at Actavis whether or not they
 15 had access to ARCOS data?
 16 A. I don't know. I don't know.
 17 Q. You stated that one of the
 18 criteria -- I believe, correct me if I'm
 19 wrong, I believe you stated that one of
 20 the criteria that you looked like --
 21 looked at in determining whether or not
 22 an order was suspicious was tracking, say
 23 an indirect -- through your indirect SOP
 24 once you had a procedure in place, you

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1 stated that one of the things that you
 2 looked at in determining whether the
 3 order was suspicious was -- was the
 4 ordering pattern from the customer's
 5 customer. So if a customer ordered the
 6 same amount of the same kind of drug from
 7 three different manufacturers -- or three
 8 different wholesalers, excuse me, that
 9 was -- that was information that you were
 10 able to track; is that correct?
 11 A. Yeah. I don't believe I
 12 used the word pattern.
 13 Q. Okay.
 14 A. It was more their sources.
 15 Did they have multiple sources.
 16 Q. Okay. So what -- what
 17 information did you use to track whether
 18 or not a customer's customer was ordering
 19 from multiple sources?
 20 A. I personally did not. That
 21 would have been the side of the project
 22 that Rachelle Galant helped to lead.
 23 Q. Okay. And would that
 24 information then have come from value --

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1 the ValueTrak system?
 2 A. I believe. I'm almost
 3 certain, but I can't be positive. Yeah,
 4 I believe so.
 5 Q. Did Cegedim provide any
 6 data?
 7 A. Data, no.
 8 Q. Did Actavis purchase data
 9 from a company called -- let's go through
 10 them.
 11 From IMS Health?
 12 A. Yes. I can't speak much to
 13 it, but yes.
 14 Q. Okay. Did they purchase
 15 data from Quintiles IMS?
 16 A. Possibly, but I would not be
 17 the person to answer that. That would
 18 probably be Rachelle that would be able
 19 to answer that.
 20 Q. Okay. Did they -- did
 21 Actavis purchase data from IQBIA?
 22 A. I don't know. I feel like
 23 that name is -- is one of the other
 24 customers with a different name. It

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1 sounds repetitive to me. I don't know.
 2 I -- the data wasn't handled in my area,
 3 so I don't know the answer to that.
 4 Q. Okay. I'm going to read off
 5 a list of -- of vendors and I just want
 6 you to tell me if any of them sound
 7 familiar. That's all I'm asking.
 8 A. That's easy enough.
 9 Q. Do they sound familiar to
 10 you?
 11 A. Okay.
 12 Q. And if so, I'll ask further.
 13 Okay?
 14 Pharmaceutical Data
 15 Services, Source Healthcare Analytics,
 16 NDS Health Information Services,
 17 Theraspan, Quintiles. There's no IMS.
 18 Okay.
 19 Theraspan?
 20 A. Theraspan sounds familiar.
 21 I don't know why.
 22 Q. Okay.
 23 A. But I -- I've heard them
 24 before.

1 Q. SDI Health?
2 A. No.
3 Q. ArcLight?
4 A. No.
5 Q. ScriptLine?
6 A. No.
7 Q. PRA Health Services --
8 Health Science?
9 A. No.
10 Q. And I always mispronounce
11 this but I'll try, Wolters Kluwer?
12 A. I've heard of them, but it
13 may be just because I've heard of them in
14 the industry. I -- I've heard of them,
15 but that's all I know.
16 Q. All right. So do you know
17 what kind -- do you know what data
18 Actavis purchased from IMS Health?
19 A. No. That was strictly
20 handled through marketing.
21 Q. Okay. Can you -- do you
22 know why marketing purchased data from
23 IMS Health?
24 A. I would not be the person to

1 answer what they were using the data for.
2 The only thing I can say is, as far as
3 I'm aware, the data was based on our
4 product and nobody else's.
5 Yeah I don't know. I really
6 wouldn't be the person to answer that
7 question. That was really something
8 marketing would have handled. I would
9 never have gotten into --
10 Q. I'm just not sure I
11 understood the first part of your
12 response. You said that data would have
13 been our product and not someone else's.
14 What are you referring to?
15 A. Well, when you say -- I
16 guess if -- I'm not sure what you're
17 referring to. So I know -- I know we
18 purchased data. So for example,
19 sometimes some of the wholesalers, we
20 even have to pay a fee to get data on our
21 own information. That is the extent of
22 what I know about how we get data. Not
23 my area of expertise. And I'm not afraid
24 to say that.

1 Q. Were you ever trained on how
2 to detect suspicious orders for
3 prescription medications distributed by
4 Actavis?
5 A. Well, controlled drugs,
6 sure. That was part of our process that
7 we were executing on.
8 Q. And -- and by trained, is it
9 your understanding that the question is
10 asking for internal -- informal training?
11 Are you -- when you say
12 sure, are you responding to informal
13 training or --
14 A. It was definitely informal.
15 Whether there was any formal documents
16 that we signed off on, I don't recall.
17 But certainly informal.
18 Q. Did Actavis's sales
19 employees get a bonus for exceeding a
20 sales quota, if you know?
21 A. I have no knowledge of any
22 of their compensation structure.
23 Q. Did customer service
24 employees get a bonus for tracking

1 suspicious orders?
2 A. No.
3 Q. Did they get a bonus for
4 reporting suspicious orders?
5 A. No.
6 Q. Did they receive any
7 performance incentives?
8 A. No.
9 Q. So the customer service,
10 nobody on the customer service team
11 received any performance incentive at
12 all; is that -- is that correct?
13 A. We -- we received
14 performance incentives based on our
15 performance and the company's performance
16 that we talked about earlier.
17 Q. Okay.
18 A. But nothing tied to sales
19 plans or suspicious orders certainly.
20 Q. Okay. So -- so they -- so
21 then, is it correct to say that they did
22 receive performance incentives, but that
23 those incentives are not related to the
24 suspicious order monitoring program?

1 A. That's correct.

2 Q. Okay. Do you agree that the
3 profits of your company increased with
4 the volume of drugs supplied by -- by
5 Actavis to distributors?

6 A. So if I can repeat the
7 question to make sure I understand what
8 you're saying.

9 Do I think that, as our
10 volume of products shipping increases,
11 our profit would increase?

12 Q. Mm-hmm.

13 A. One would think so. Right?
14 Unless you're shipping at a loss. I
15 don't know, if you're doing incremental
16 volume, I would imagine your profits
17 would increase, so...

18 MS. ANTULLIS: I just want
19 to say. There is some buzzing
20 going on and we've been hearing it
21 all morning. And we think it
22 might be somebody who is on the
23 phone. So maybe can you check to
24 make sure that your phone is on

1 mute?

2 Thank you. Sorry.

3 MR. ALLEGAERT: If you
4 continue to have that problem you
5 can have everybody hang up and
6 dial up.

7 MS. ANTULLIS: We may
8 discover it's us.

9 BY MS. ANTULLIS:

10 Q. So distributors and
11 pharmacies were considered the direct
12 customers of Actavis, right?

13 A. And wholesalers as well,
14 yes.

15 Q. And wholesalers.

16 A. Yes. Retail chains.

17 Q. Was it -- sorry.

18 So as part of your role as
19 director of customer service, was it your
20 job to make sure that Actavis's customers
21 were satisfied with their interactions
22 with Actavis?

23 A. Yes.

24 Q. Was the timely shipping of

1 orders a component of keeping customers
2 satisfied?

3 A. Sure.

4 Q. Did you negotiate contracts
5 or pricing with customers?

6 A. No, I did not.

7 Q. Did you provide input to the
8 contracts department on negotiations with
9 customers?

10 A. No, I did not.

11 Q. Do you have any -- do you
12 know if there are any contracts with
13 distributors where your per unit price
14 reduces to volume discounts, rebates or
15 other financial arrangements?

16 A. I really did not have any
17 involvement in the -- the details of the
18 contract. So I couldn't say.

19 Q. Okay. Are you aware that
20 chargebacks were being offered to
21 distributors and wholesalers?

22 A. Yeah. Like -- like we
23 mentioned earlier, I -- I feel like
24 chargebacks is how business was done,

1 because you sell to them at WAC. I don't
2 know. That's not my area. But yes, I've
3 certainly heard of chargebacks.

4 Q. Was there ever an
5 investigation into whether or not to use
6 chargeback data to track your customer's
7 customers?

8 A. I'm not sure if it was
9 chargeback data, no, not that I'm aware
10 of.

11 Q. Do you have preferred
12 distributors?

13 A. Preferred? I don't think
14 I've ever heard a term of preferred
15 versus nonpreferred, no.

16 Q. Do -- do your distributor
17 companies provide any services to
18 Actavis?

19 A. Services back to us? Not
20 that I can think of.

21 Q. You said earlier that you
22 purchased data regarding Actavis -- you
23 purchased Actavis data from distributors;
24 is that correct?

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1 A. Yeah, I -- I could be wrong.
2 But I believe, to be able to see our own
3 data, I believe the wholesalers, and
4 maybe not all, but I believe they charge
5 you for it.

6 Q. And what -- what data was
7 Actavis charged for?

8 A. I'd be speaking out of turn
9 to -- to say which data that is. I don't
10 know.

11 Q. Was suspicious order
12 monitoring addressed in contracts with
13 distributors and wholesalers?

14 A. Was it included in the
15 contract language initially? I don't
16 know. But as part of our
17 know-your-customer initiative and our
18 enhancements, yes, it was.

19 Whether that was linked to
20 the contract or not, I am unaware. I
21 don't know.

22 Q. Did you reevaluate the
23 contracts following these suspicious
24 order monitoring enhancements?

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1 A. Oh, okay. Reevaluate our
2 contracts. I believe we may have, yes.

3 Q. Would you reimburse a
4 customer if an order was canceled for --
5 you know, if a pending order was
6 determined to be suspicious, would you
7 then reimburse payment to the customer?

8 A. No, because there would be
9 no payment to reimburse. They wouldn't
10 have been invoiced.

11 Q. Was there any written
12 standard operating procedure in 2008
13 relating to direct suspicious order
14 monitoring?

15 A. I believe so, but I don't
16 recall what it was called, or I don't
17 recall the details. I'm more familiar
18 with the later years.

19 Q. And then, did you -- did you
20 assist in writing a standard -- does SOP
21 mean standard operating procedure?

22 A. Correct.

23 Q. And did you assist with
24 writing an SOP for direct suspicious

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1 order monitoring in or around 2011 or
2 2012?

3 A. Yes.

4 Q. Okay. When you worked on
5 that SOP, did you look back to -- look
6 back for guidance on Actavis's prior
7 systems?

8 Let me -- let me rephrase
9 the question.

10 What investigation did you
11 do into Actavis earlier suspicious order
12 monitoring system when you began your
13 work on the SOP?

14 A. Well, anytime you try to
15 improve any process, the way you approach
16 it is you look what you have, and you try
17 to create a roadmap on where you'd like
18 to be and take those gaps and fill them
19 in. And that's what we did. I mean,
20 there was things that we knew we wanted
21 to enhance and improve. So of course
22 when you want to move forward you have to
23 look back to see where you're at. So I
24 would say yes.

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1 Q. So now I want to go back to
2 what we were discussing prior to our
3 lunch break, which was whether or not you
4 felt any pressure from customers to ship
5 orders while they're -- to ship pending
6 orders while they were under
7 investigation.

8 A. So --

9 MS. LEVY: She hasn't asked
10 you a question yet.

11 BY MS. ANTULLIS:

12 Q. Yeah.

13 A. I believe --

14 Q. You already answered the
15 question. So I'm just -- that's where
16 I'm going back to.

17 A. Oh, to that topic. Okay.
18 Good.

19 Q. So I want to introduce some
20 exhibits and I want to discuss -- so the
21 first one is Tab 15, which is Exhibit 7,
22 ALLERGAN_MDL_03427457.

23 (Document marked for
24 identification as Exhibit

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1 Baran-7.)
 2 BY MS. ANTULLIS:
 3 Q. So the only thing I'm going
 4 to be asking you about is the top e-mail.
 5 A. If you don't mind, to make
 6 sure that I have everything in context,
 7 I'm going to read it from the back
 8 forward.
 9 Q. I do mind. Because nothing
 10 else that I'm asking you about has
 11 anything to do with the rest of the
 12 e-mail.
 13 A. All right. Let me read the
 14 first paragraph first and then I'll feel
 15 comfortable with that.
 16 Q. Read the first e-mail.
 17 A. Yeah. Okay.
 18 Q. So I really only have two
 19 questions for you on this. The first one
 20 is, is in the third paragraph you state,
 21 "I don't want to hold up a sale, and I'm
 22 not suggesting that we don't push this
 23 through with the reason given."
 24 I want to -- I just want

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1 of the message again, because I'm not
 2 sure of the context of that, "This is all
 3 new to us," if it's DE -- if it's -- it
 4 may pertain to UPS's modified process.
 5 I'm not sure. I don't know.
 6 Q. Why don't you read the
 7 paragraph --
 8 A. I don't recall.
 9 Q. -- immediately above it and
 10 that might help.
 11 A. Okay.
 12 MS. LEVY: If you need to
 13 read the entire e-mail in order to
 14 be able to answer, you certainly
 15 can do that.
 16 THE WITNESS: Okay.
 17 MS. LEVY: Whatever you need
 18 to do to answer the question.
 19 MS. ANTULLIS: Again, I'm
 20 going to put on the record that
 21 that's an improper instruction.
 22 THE WITNESS: I'm ready for
 23 your question.
 24 BY MS. ANTULLIS:

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1 to -- I want to -- what did you -- why
 2 would you not want to hold up a sale of a
 3 pharmaceutical drug?
 4 A. So at the end of the day, my
 5 job is -- you want patients to get
 6 products when it's needed. But that
 7 doesn't stop the fact that I have a job
 8 to do. So, basically, what I'm saying in
 9 that sentence is, you know, I'm not
 10 looking to cause a problem where there
 11 isn't one, but we need to do what we need
 12 to do. I mean nothing was ever released
 13 because we felt pressure. I mean, I can
 14 say that with certainty. I mean, nobody
 15 put pressure on us. And I feel
 16 comfortable with that.
 17 Q. Okay. So the next -- the
 18 next question I have is, in the final
 19 large paragraph. You say, "This is all
 20 new to us so I'm sure we'll come up with
 21 other scenarios like this that we have to
 22 think about."
 23 Do you see that statement?
 24 A. I'm going to read the rest

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1 Q. My question was, what is all
 2 new to us?
 3 A. What is all new to us? I
 4 don't recall this scenario, so it's hard
 5 for me to say with certainty. But
 6 reading the information above, it could
 7 have to do with this -- it certainly is
 8 not new with the UPS, because we had been
 9 dealing with them and they had a
 10 suspicious order monitoring system. So
 11 that's not that.
 12 It may have been due to the
 13 fact that for the first time ever, we had
 14 a customer trying to order extra to hit
 15 their own personal targets, that I'm not
 16 aware of. But that's what it appears to
 17 me in here. I can't read too much
 18 further into it, because I really don't
 19 recall this exact scenario. But what I
 20 can say is the -- you know, "this is new
 21 to us" is certainly not suspicious order
 22 monitoring. That, I can say with
 23 certainty.
 24 Q. So I'm going to read you the

1 paragraph above that statement. "I
 2 obviously don't want to hold up a sale
 3 and I am not suggesting we don't push
 4 this through with the reason given.
 5 However, I am suggesting that we put some
 6 thought into this and make sure that we
 7 would feel comfortable with this
 8 explanation to the DEA if it ever came to
 9 that. Probably not, but we should treat
 10 each situation as though it could.
 11 "Let me know your thoughts,
 12 I want to find ways to accept orders, not
 13 reject them, but just want to make sure
 14 we are within accepted procedures and
 15 guidelines. This is all new to us."
 16 Within the context of the
 17 above sentence, you have discussed
 18 explanations is to the DEA, right? The
 19 e-mail appears to be a conversation
 20 regarding an pended order for a drug that
 21 is not at issue in the case. And you are
 22 trying to determine whether or not -- and
 23 you read the entire e-mail, so you can
 24 see in context you're trying to determine

1 you know, nine years ago, it looks to me
 2 that, first of all, in terms of my
 3 comments on the DEA, I was never afraid
 4 to push that in front of someone and say,
 5 listen, my goal was, you know, we need to
 6 be compliant. And that statement there
 7 is exactly the language I would always
 8 use.
 9 We always want to make sure
 10 that we are within accepted policies and
 11 procedures and guidelines.
 12 When I say I'm not looking
 13 to hold up an order, like, listen, I'm
 14 not looking to be difficult. But, you
 15 know, we need to look at this, and we
 16 need to look at every scenario as though
 17 the DEA were standing right next to us
 18 because we have an obligation.
 19 And that's kind of my
 20 description of the scenario.
 21 Q. I appreciate your
 22 information. But that didn't answer my
 23 question. My question is what is
 24 happening in this e-mail chain?

1 whether or not a pended order should be
 2 released. So you're looking for an
 3 explanation as to whether that order
 4 should be released.
 5 Is that a correct
 6 interpretation of what's happening in
 7 this e-mail?
 8 MS. LEVY: Objection to
 9 form.
 10 You can answer.
 11 THE WITNESS: Answer?
 12 With all that in between. I
 13 forget the question. But --
 14 MS. LEVY: If you don't
 15 understand, she can repeat the
 16 question for you.
 17 THE WITNESS: Yeah, sorry.
 18 Can you just say that again.
 19 BY MS. ANTULLIS:
 20 Q. What is happening in this
 21 e-mail chain?
 22 A. What is happening in this
 23 e-mail chain, based on what I'm reading
 24 and not being there, you know, eight --

1 MS. LEVY: Objection. Asked
 2 and answered.
 3 You may answer again.
 4 THE WITNESS: There -- in
 5 this e-mail chain, there's clearly
 6 an order on hold, and the -- you
 7 know, sometimes when orders are
 8 investigated and there's due
 9 diligence, it's black and it's
 10 white.
 11 Sometimes when there's a
 12 scenario that comes up, that
 13 you've never experienced before,
 14 you're going to have different
 15 areas push back on what's right
 16 and wrong. And there needs to be
 17 someone in the middle that's
 18 making sure we're still doing what
 19 we're supposed to be doing and not
 20 releasing anything until we're
 21 satisfied.
 22 So this is clearly one of
 23 those discussions where there's a
 24 debate, well, is that acceptable

1 or not.

2 BY MS. ANTULLIS:

3 Q. Okay. Thank you.

4 A. Yeah.

5 Q. So looking at that top
6 e-mail chain again. It says, that
7 sentence says, "I'm not" -- "I am
8 suggesting that we put some thought into
9 this and make sure that we would feel
10 comfortable with this explanation to the
11 DEA."

12 And then the next -- and
13 then the next paragraph, it says, "I want
14 to" -- "this is all new to us, so I'm
15 sure that we'll come up with other
16 scenarios like this that we have to think
17 about."

18 In the -- in the context of
19 that e-mail, okay, is it -- is it your --
20 is it your testimony that "all new to us"
21 does not relate to justifications for
22 DEA -- for the DEA?

23 A. I think the way I would
24 describe "all new to us" is as -- as

1 business evolves and you are following
2 your procedures, you know, to continue to
3 be compliant, you're undoubtedly going to
4 run into new business scenarios that --
5 you come up against a wall and you have
6 to say, you know, what's right and what's
7 wrong. Like, is this acceptable and is
8 this not. We may not have encountered
9 that scenario before. And that's not a
10 surprise. Right? Every scenario is not
11 the same. And every -- every order was
12 treated uniquely. It wasn't a cookie --
13 copy and paste of the one before. So...

14 Q. All right. So then is it
15 your testimony that "all new to us"
16 relates to the business situation at hand
17 and not to a new process for determining
18 whether or not an order is suspicious?

19 A. So my testimony would be,
20 sitting in this chair today, seven,
21 eight years later from when I wrote this,
22 it's hard to be in my mind. But looking
23 at it, what I would say is that this is
24 all new to us is we're coming up with

1 these different scenarios that we have to
2 interpret and, you know, very carefully
3 judge and measure. So that's how, 2018,
4 I'm looking back at an e-mail seven,
5 eight years ago, I would interpret my
6 comments there.

7 Q. And when you say judge and
8 measure, are you saying that you have to
9 judge and measure them for the DEA
10 justifications?

11 A. Up against what the DEA is
12 looking for.

13 Q. Okay. Thank you.

14 Did you find, during your
15 course of employment at Actavis, that in
16 conducting some of these investigations
17 into pended orders, that people in other
18 departments were reluctant to provide
19 information?

20 A. While I can't say I recall
21 any specifics, but it wouldn't surprise
22 me. I mean, you know, sometimes people
23 aren't cooperative, and when you are
24 responsible and you own a process that

1 ensures our compliance, that other group
2 may not have that same level of ownership
3 and accountability. So my answer would
4 be, I don't know, but it wouldn't
5 surprise me that that would possibly
6 occur.

7 Q. Did you ever feel that
8 people were nonresponsive to your request
9 for information?

10 A. So, nonresponsive, you
11 can -- you can describe that in many
12 different ways. Nonresponsive sometimes
13 just means slow, which yes, I would say
14 people were slow. But if they were slow,
15 then they didn't -- the order didn't get
16 released. So it was in their benefit not
17 to be nonresponsive.

18 But, yeah, in business
19 today, you always find people that are
20 nonresponsive unfortunately. It didn't
21 change the outcome. If they were
22 nonresponsive, we didn't get what we
23 wanted, nothing went anywhere, so...

24 Q. So what would happen, if

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1 someone, a salesperson or somebody that
 2 you reached out to information on a
 3 suspicious -- on a pended order, what
 4 would happen if they didn't get you
 5 information within a certain, you know,
 6 within a week?
 7 A. Well, quite frankly, I mean
 8 we didn't have any number of days. But I
 9 don't really think anything ever went
 10 extremely long -- long like that.
 11 Ultimately we -- we -- first of all, we
 12 were dealing with a sales force of I
 13 think it was five people, so we didn't
 14 have a lot of different personalities and
 15 we didn't have 150 people that we were
 16 trying to communicate with. So that made
 17 it fairly simplistic. And they respected
 18 our role.
 19 So for the most part I would
 20 say, you know, just from the sales
 21 standpoint, they were responsive because
 22 they wanted their customers' orders dealt
 23 with. But I can't sit here and testify
 24 that there weren't scenarios where they

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1 Q. Okay. So if they are -- I
 2 just want to make sure I understand your
 3 testimony.
 4 A. Yeah.
 5 Q. If there were a pended
 6 order, is it correct to say that you
 7 would investigate the nature of that
 8 order to conclusion prior to determining
 9 whether or not to cancel or ship the
 10 order?
 11 A. Yes.
 12 Q. Okay. And -- and was
 13 there -- was there a requirement -- was
 14 there a written requirement at Actavis to
 15 conduct an order in a certain period of
 16 time?
 17 A. There may have been, you
 18 would have to refer to our SOP. I don't
 19 recall. I don't recall time frames.
 20 Q. Okay.
 21 A. But I also don't recall time
 22 frames really being a business issue, to
 23 be honest with you. You know.
 24 Q. Do you remember what the

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1 were nonresponsive, because salespeople
 2 are salespeople. And sometimes they'll
 3 respond when they want to respond. So,
 4 you know.
 5 Q. Did you ever have to cancel
 6 an order because you failed to get
 7 information within a certain amount of
 8 time?
 9 A. Canceling an order because I
 10 failed to get information?
 11 Q. Did you ever have to cancel
 12 a pended order because you could not get
 13 information at a reasonable --
 14 A. Could not get any
 15 information isn't satisfactory though,
 16 because then what if it were -- were
 17 suspicious. So to me that would be
 18 unacceptable, so, no.
 19 Q. Okay.
 20 A. I mean, yeah, I mean you
 21 can't just -- all right. If you don't
 22 answer, don't worry about it, because I'm
 23 going to cancel it, like that didn't work
 24 that way.

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1 average time would be for an
 2 investigation into a pended order --
 3 order?
 4 A. Well, so don't forget, a lot
 5 of them were fairly simplistic because of
 6 things like new product launches, or new
 7 contract awards or, you know, we just
 8 took on additional volume because another
 9 competitor dropped out and the market is
 10 changing.
 11 So those -- those type of
 12 things, maybe the first time you didn't
 13 know about it, it took a little bit of
 14 time. But once you were aware, those
 15 things were fairly quick. Certainly
 16 within the same business day.
 17 But other scenarios, if it
 18 involved, you know, asking questions from
 19 three different departments, certainly it
 20 didn't always happen in a day. So it
 21 could -- it could go a day, two days if
 22 it needed to.
 23 I don't really -- I may at
 24 some point in time -- excuse my voice --

1 have run statistics and -- but I don't
2 recall. I don't recall a number to give
3 you.

4 Q. So do you -- do you remember
5 an investigation ever taking longer than
6 a week?

7 A. I don't remember one. But
8 it's not that it wouldn't have been
9 possible.

10 Q. Do you ever remember an
11 investigation taking longer than a month?

12 A. I don't remember one. And I
13 would be very surprised. There would
14 have to be some very unusual
15 circumstances for that. But I don't -- I
16 don't recall.

17 Q. Do you remember an
18 investigation ever taking longer than six
19 months?

20 A. Oh gosh. No.

21 Q. So, again prior to the --
22 the enhancement, prior to 2011, was there
23 a particular -- I think I've already
24 asked these questions.

1 Q. Do you remember this
2 exchange?

3 A. Yes.

4 Q. In the first e-mail you
5 appear to be e-mailing Michael Clark and
6 others to ask -- to explain -- to discuss
7 something called the 7.17.5 suspicious
8 order report. Is this the suspicious
9 order report that you were referring to
10 earlier --

11 A. Yes.

12 Q. -- that was printed out
13 several times a day and that you
14 reviewed?

15 A. Correct.

16 Q. And is that the numerical
17 number that you were thinking, 7.17.5?

18 A. Yes.

19 Q. On the next page, who is
20 Noemi Rebeco? Who is that?

21 A. Noemi Rebeco, I'm not sure
22 of her exact title. It may be listed
23 there. She was essentially a supply
24 planner. She was working in the

1 So I think I'm going to go
2 ahead and introduce a document that I
3 want to ask you questions about --

4 A. Sure.

5 Q. -- the document. And if you
6 need me to go back --

7 A. Okay.

8 Q. -- I will.

9 So this is going to be
10 Tab 56. This is Exhibit 8.

11 (Document marked for
12 identification as Exhibit
13 Baran-8.)

14 BY MS. ANTULLIS:

15 Q. I've been looking at
16 documents far too long. I believe the
17 e-mail chain starts on the second page
18 and continues to the first.

19 A. It looks like a quick one.

20 Okay. I'm good.

21 Q. So this appears to be an
22 e-mail -- first of all, do you recognize
23 the document?

24 A. Yes.

1 manufacturing plant.

2 Q. At Elizabeth?

3 A. Correct.

4 Q. So she asked you if it was
5 possible to change the name of the report
6 and still continue using the report,
7 right? So earlier on in the e-mail chain
8 you're discussing discontinuing the use
9 of the report with the implementation of
10 the new -- the enhanced suspicious order
11 monitoring program. She's asking whether
12 or not it is possible to keep using the
13 report.

14 A. Correct.

15 Q. Because she believes it's
16 useful to her team.

17 MS. LEVY: Object to the
18 form of the question. You can
19 answer if you understand.

20 BY MS. ANTULLIS:

21 Q. Is that your understanding
22 of what's happening in this e-mail
23 exchange?

24 A. Yes.

1 Q. Okay. She -- she says the
2 name could be changed to excess order
3 report or another name.

4 Do you have any
5 understanding of why she would change the
6 name to excess order report?

7 A. I sure do. I can explain
8 the whole scenario.

9 Q. Okay. Please do.

10 A. So completely outside of
11 SOM, nothing to do with control drugs,
12 this is just all of our products across
13 the board, one of our weaknesses as a
14 company was we had poor inventory
15 management reports. So for example, if
16 there was a product shortage or supply,
17 maybe driven by an issue with API being
18 unavailable, or the main API supplier
19 that's supplying everybody that
20 manufactures this drug, something
21 happened and it's not going to be
22 available, and we know that, and we're
23 all going to be driven into a backorder
24 for three months, right. Or it could be

1 backorder, because we're getting this
2 artificial demand that we never had
3 before; and, therefore, it's impacting
4 our customers that it's our goal to keep
5 them whole and keep our commitment on
6 what we want to supply them to the best
7 of our ability.

8 So with that being said, we
9 never really had a good inventory
10 management system to make sure that
11 sneaky customers weren't coming in and
12 ordering because they heard in the market
13 there's going to be price increases or
14 because they heard in the market there's
15 going to be raw material issues.

16 So we had no mechanism to
17 prevent -- and like I said, this is
18 not -- this is not control drugs, this is
19 other drugs, to do that.

20 So because we had this
21 report, that would flag unusual purchases
22 on controls, you know, that report was
23 used by supply chain, for example, as
24 a -- we have nothing else, so this is

1 any other scenario. But I'll just use
2 that one as an example.

3 When those scenarios happen,
4 it's really important that we manage our
5 inventory very closely. And we quite
6 often would use what we referred to the
7 term -- and you may come across it, the
8 word "allocation."

9 And allocation was nothing
10 more than taking that amount of product
11 that you have and making very conscious
12 business decisions on how you supplied
13 it, with the goal in mind of protecting
14 your customers that have been on
15 contract. If a customer was on contract
16 and we've committed to sell them
17 100 units a month, you know, they're a
18 priority, versus some random customer
19 that's going to come in. They've never
20 bought from us before, but they hear
21 there's a problem in the market. They've
22 been with another supplier, and all of
23 the sudden they are going to try to order
24 that product through us, throw us into

1 good, this works for controls. So they
2 were using it for another purpose in lieu
3 of what we were strongly in need of,
4 which was an inventory management report.
5 Two completely different things.

6 And it's really important
7 that you differentiate, because the topic
8 sometimes can get confusing. You need to
9 draw a line in the sand. They're two
10 different issues. There's our efforts on
11 SOM and there's our efforts on inventory
12 management.

13 Q. Okay. So can I ask you to
14 go to the second page of this document.
15 Look at the subject line of the e-mail
16 and read that to me.

17 A. Mm-hmm.

18 Q. Can you read it out loud,
19 please.

20 A. "SOM."

21 Q. Did you ever use this
22 report, the suspicious order report, for
23 tracking suspicious orders, pending
24 orders?

1 A. The suspicious order report
2 was used for suspicious order monitoring,
3 yes.

4 Q. Okay. So I understand that
5 the report was also then being used at
6 the Elizabeth plant for inventory
7 planning purposes; is that correct?

8 A. Yes. It wasn't their end
9 all, but it was -- it was their mechanism
10 to see if anything really outside of
11 normal ranges was coming on the radar.

12 Q. Now, Noemi suggests to
13 change the name to excess order report.
14 Is that an accurate reflection of what
15 you see in the e-mail?

16 A. Yes. And the reason --

17 Q. I'm not asking what the
18 reason is she's doing it.

19 A. Yes.

20 Q. I want to know whether or
21 not the suspicious order report shows
22 excess orders for control drugs.

23 A. Excess orders -- well, it
24 shows other things. It shows many

1 things.

2 Q. Does it show excess orders
3 for control drugs?

4 A. Excess, if they're ordering
5 above their typical historical usage, you
6 can call that excess, yeah.

7 Q. Why would -- why would this
8 be useful from an inventory planning
9 perspective? Would it be useful from an
10 inventory planning perspective?

11 A. Because she's operating in a
12 different mindset of looking what's in
13 the pipeline. And if something comes in,
14 and if it were to be released it would
15 set us in complete backorder, if it were
16 to be released. The two are totally
17 different.

18 Q. And I'm asking with regard
19 to the suspicious order monitoring
20 side -- use of the report.

21 A. Yeah.

22 Q. So I would like to go to the
23 top e-mail in the chain.

24 A. Okay.

1 Q. You say, "Given the criteria
2 and logic that this report is built on,
3 I'm very surprised that it's so valuable
4 from an inventory and planning
5 perspective."

6 Can you please just explain
7 to me what you mean by the criteria and
8 logic that the report was built on?

9 A. Because it was only going
10 after a certain subset of products. And
11 she's looking at the entire basket of
12 products for the entire company. So it
13 was, to me, not really what she -- it
14 wasn't what she needed. And that's
15 pretty -- pretty easily said.

16 Q. Okay. I'm going to
17 introduce another document in the record.
18 But maybe keep this one in front of you.

19 A. Okay.

20 MS. ANTULLIS: It is Tab 30.
21 Exhibit Number 9. It's
22 ALLERGAN_MDL_2128037.

23 (Document marked for
24 identification as Exhibit

1 Baran-9.)

2 BY MS. ANTULLIS:

3 Q. My first question is, is
4 finasteride a controlled substance?

5 A. That was my first question
6 when reading this. I probably could have
7 told you that in the past, but my memory
8 is lacking. And without that
9 information, the context of this e-mail
10 is very hard for me to determine.

11 So that was my question in
12 reading this too. And if you were to ask
13 me seven years ago, I would spit an
14 answer out to you whether it was
15 controlled. I just don't have them
16 memorized anymore, because that would be
17 nice to know so I could re-read this in
18 proper context.

19 Q. Okay. Why don't we put this
20 aside. We'll come back to it. I will
21 verify my understanding of finasteride.
22 And you can feel free to Google it during
23 the break if you'd like. Okay?

24 A. Good.

1 Q. I'm now going to go to Tab
2 26.
3 MS. ANTULLIS: This is going
4 to be Exhibit 10.
5 ALLERGAN_MDL_03302011.
6 (Document marked for
7 identification as Exhibit
8 Baran-10.)
9 BY MS. ANTULLIS:
10 Q. So do you recognize this
11 document?
12 A. The begin -- the beginnings
13 of what I've seen so far, yes.
14 Q. So I will represent to you
15 that this document was in your custodial
16 files, which means it was produced from
17 your -- your files at Actavis.
18 Do you remember having a
19 meeting with the Drug Enforcement
20 Administration in September of 2012?
21 A. I vividly remember the
22 meeting. The date I had mentioned
23 earlier I think in this testimony, I
24 estimated it was around September of

1 to three hours straight. Whether I
2 actually put a presentation on the wall
3 or not, I don't recall.
4 Q. Do you recall --
5 A. It's possible.
6 Q. Do you recall if you
7 designed a presentation for this meeting?
8 A. Oh. Oh, yeah, I would
9 have -- yeah, but I just don't know if I
10 displayed and actually demonstrated it or
11 used it for my own notes. That's the
12 part I don't remember.
13 Q. Do you recall -- do you
14 recall if you handed the presentation out
15 to other people who were in the -- who
16 were at the meeting?
17 A. Without knowing if I gave
18 the presentation, I definitely don't
19 recall if I handed it out.
20 Q. Okay. But you are -- is
21 it -- is it correct to say that you
22 are -- you are clear that you did create
23 a presentation for this meeting?
24 A. I know I created a lot of

1 2012. But I didn't have the date
2 specific.
3 Q. Did the Drug Enforcement
4 Administration make a presentation to you
5 during that meeting?
6 A. We made a presentation --
7 oh, to them. Yes, they -- they did.
8 Q. Okay.
9 A. I was more focused on our --
10 yeah. Sorry.
11 Q. The Drug Enforcement
12 Administration made a presentation to
13 you; is that correct?
14 A. Correct.
15 Q. And is it also correct to
16 say that you made a presentation to, you,
17 Actavis...
18 Correct -- is it correct to
19 say that Nancy Baran made a presentation
20 to the Drug Enforcement Administration
21 during that meeting?
22 A. So I will say that during
23 that meeting, I spoke with a room of
24 maybe 20 people for probably close to two

1 information based on what we were doing.
2 Whether I put it in a presentation
3 format, I don't remember. But I'm sure
4 you'll tell me.
5 Q. If you did create a
6 presentation, where would you have kept
7 it?
8 A. If I did, it would have been
9 on my hard drive, my computer.
10 Q. So looking at the document
11 in front of you. Does this appear like
12 something you would have put together?
13 A. Okay. Give me one minute.
14 Q. And you are free to flip
15 through the document of course, but it is
16 a 300-page document.
17 A. Yeah, no, I just -- I just
18 need to get familiarized --
19 Q. If you want to read -- if
20 you want to read the --
21 MS. LEVY: I'd like for her
22 to read every page of it.
23 MS. ANTULLIS: If she wants
24 to, she can --

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1 MS. LEVY: That was a joke.
 2 MS. ANTULLIS: -- but we're
 3 going to go off the record and we
 4 can come back tomorrow.
 5 I have no questions on the
 6 cases.
 7 THE WITNESS: This is not my
 8 presentation.
 9 BY MS. ANTULLIS:
 10 Q. So does this look familiar
 11 to you?
 12 A. Yes.
 13 Q. Without -- without asking
 14 you any questions about the substance of
 15 the presentation at this point in time,
 16 does it look familiar to you?
 17 A. It's not -- no, it's not
 18 what I expected. So a lot of it does not
 19 look familiar. It doesn't look like
 20 something -- not that it wouldn't have
 21 been something I passed along, but not
 22 something that I created for sure. I
 23 almost wonder if this is the DEA's
 24 presentation to us. I don't know. I

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1 So this is the DEA's
 2 presentation. So, sorry.
 3 Q. Okay.
 4 A. I'm with you now.
 5 Q. So do you recall whether you
 6 reached out -- whether you, Actavis
 7 reached out to the DEA to set up this
 8 meeting?
 9 A. I remember the meeting very
 10 vividly. But, you know, driving here
 11 today, thinking about all this and I was
 12 like, oh, you know, I'm sure that meeting
 13 in -- in -- with the DEA will come up.
 14 And I'll -- I'll be honest,
 15 I can't remember what the driver was.
 16 I -- I will say, we did not call the
 17 meeting, we were called to the meeting.
 18 And the DEA calls you to go there, you
 19 go. That's all I remember. I don't
 20 remember the context of why we were
 21 called.
 22 Q. Do you remember who from the
 23 DEA called you to set up this meeting?
 24 A. No.

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1 would have to spend a little time reading
 2 all this.
 3 But, you know, I can tell
 4 based on the information that's in here,
 5 this is not my presentation.
 6 Q. Okay. So is it possible
 7 that this is the presentation that the
 8 DEA gave you at that meeting?
 9 A. That's what I'm thinking,
 10 but I would want to look at it a few more
 11 minutes.
 12 Q. I would like to
 13 ask though --
 14 A. It's the title page that
 15 confuses me, so...
 16 Q. Why does the title page
 17 confuse you?
 18 A. Okay. All right. I'm --
 19 I'm clear now.
 20 So this is their
 21 presentation, but it's their meeting with
 22 Actavis Elizabeth which I wasn't thinking
 23 was -- was us, but it was the entity we
 24 were representing.

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1 Q. Do you remember, was anybody
 2 else from Actavis present at the meeting?
 3 A. Yes.
 4 Q. Can you please tell me who
 5 else you remember being present at the
 6 meeting?
 7 A. I almost feel like there
 8 could be a fourth person, so I don't want
 9 to say to you I have this down with
 10 certainty. But the ones I remember
 11 vividly, it was myself, and I believe it
 12 was John Duff and Michael Clark. I don't
 13 believe there was a fourth person but I
 14 could be wrong.
 15 Q. Was this the first meeting
 16 that you had with the DEA during your
 17 employment at Actavis?
 18 A. First meeting I had,
 19 correct.
 20 Q. Okay. How many times did
 21 you meet with the DEA during your time at
 22 Actavis?
 23 A. Twice.
 24 Q. Was the second time in

1 October of 2012?

2 A. That would make sense. I
3 would say it's about a month, a couple
4 weeks after the initial meeting. It was
5 a follow-up. So that would make sense.

6 Q. So do you recall the purpose
7 of this meeting with the DEA?

8 A. So the -- the purpose and
9 the driver and the root cause of why we
10 were there, I don't really -- it's not
11 even that today I don't recall that.
12 I -- I don't even think I could tell you
13 seven, eight years ago what the reason
14 was we were there.

15 But when you're called to a
16 meeting with the DEA, you go. Why they
17 were calling it, I don't know. We
18 certainly didn't know ahead of time.
19 Based on the context of the meeting, you
20 know, I could tell you about that a
21 little bit. But I don't know what the
22 real driver was, other than to educate us
23 on rolled up -- you know, some of our
24 rolled-up data.

1 Like I feel like they had a motivation
2 and they had a purpose.

3 Q. Well, what did you believe
4 the context to be?

5 A. But --

6 Q. When you used the word
7 context, what did you believe the context
8 to be?

9 A. I don't know. Maybe context
10 isn't a good word. I mean I know what
11 the discussions were when we got there,
12 but, you know, if -- if you were to have
13 the DEA describe in one sentence the
14 reason they brought us there, I don't
15 think I would have had that back then
16 versus now, you know.

17 They -- they may have been,
18 you know, taking the opportunity to
19 validate our compliance and what we were
20 doing, you know. I'm sure they had a
21 couple different motives.

22 Q. So you testified that you
23 vividly remember the meeting itself; is
24 that correct?

1 Q. So I have a couple of
2 questions to unpack that to make sure I
3 understand what you're saying.

4 My first question is what is
5 rolled-up data?

6 A. Well, to -- rolled-up data
7 is probably a really poor description.
8 It was looking at hey, do you know where
9 your product is going, that kind of
10 context.

11 Q. And was that data that you
12 provided to the DEA?

13 A. No. That was data the DEA
14 provided to us.

15 Q. And you said -- you said
16 something about the context around which
17 this meeting occurred?

18 A. Well, I mean, I --

19 Q. Is that an accurate -- am
20 I -- am I accurately stating your
21 testimony?

22 You used the word context.

23 A. Like I don't know -- when I
24 said context, I don't know the purpose.

1 A. Yeah. And vividly may be a
2 strong word. But I certainly remember
3 sitting there. And I certainly remember
4 being asked all kinds of questions. I
5 remember stepping them through our
6 process. And I remember the feeling I
7 got when we left.

8 Q. What was the feeling you got
9 when you left?

10 A. The feeling I got when I
11 left was -- was kind of two different
12 things. They were almost -- well, first
13 of all, they were like wow, like they
14 were very impressed with what we had done
15 already and the direction we were heading
16 in, which was our new initiative.

17 And I can't say with
18 certainty, but I got the impression that
19 like we were ahead of the curve, that
20 nobody else was doing that yet.

21 So the -- the impression I
22 got left with was they are like, you
23 know, wow, you guys are doing a great
24 job.

1 The second impression I got,
 2 I left with, and this is my only -- my
 3 personal opinion, nothing was verbally
 4 ever said, I almost feel like they were
 5 like disappointed, like damn, you know,
 6 like, I don't know, were they trying to
 7 get something on us or use us to get
 8 something on someone else. I don't know.
 9 It was never clear to me, the purpose of
 10 the meeting. But I don't feel like they
 11 got what they wanted, which I believe, in
 12 my opinion, and I know nothing to
 13 validate this, but that's why they came
 14 back for a second smaller meeting.
 15 They were still looking to
 16 get something that they didn't get from
 17 us. So I don't really know what it was.
 18 It was just -- it's the only way I can
 19 describe it. But they were very
 20 impressed. And I left -- to be honest
 21 with you, I'm usually a pretty modest
 22 person. But I left pretty proud, because
 23 I sat there with every confidence on
 24 everything we had done and all the new

1 customers' customers are shipping it,
 2 that's something where we've created this
 3 initiative. We're branching out to kind
 4 of get that data so that we could, you
 5 know, take a stronger role in the process
 6 and be better partners with our customers
 7 who, to that point, we had no reason to
 8 believe they weren't willing to be good
 9 partners with us. You know, we had some
 10 pretty good -- good meetings with them.
 11 We sent some strong messages, saying
 12 here's where we stand. Here's what we're
 13 doing. Here's what you need to do as a
 14 good partner. And we didn't get anything
 15 back that would ever have given me the
 16 impression that they weren't fully on
 17 board.
 18 Q. So, during the meeting --
 19 first of all, how long was the meeting?
 20 A. I'm going to estimate three
 21 hours.
 22 Q. And where did it occur?
 23 A. It was somewhere in
 24 Washington, D.C. I believe -- I believe

1 things that we were doing. And, you
 2 know, I felt good about it. And I felt
 3 really good when I saw how impressed they
 4 were.
 5 Q. Do you remember any of the
 6 specific questions that they asked you
 7 during the meeting?
 8 A. Specific questions, no.
 9 Just high level topics, you know, we
 10 talked the indirect and the direct piece.
 11 Specific questions, not really, other
 12 than what I mentioned earlier, like, you
 13 know, do you know where your product is
 14 going, you know.
 15 Q. And what did you tell them
 16 when they asked you do you know where
 17 your product is going?
 18 A. Well, that's when we -- we
 19 told them that based on our first line
 20 initiative, yeah, we know where our
 21 product is going, to our direct
 22 customers. We have full control over
 23 that. We have a tight process.
 24 And in terms of where our

1 the DEA has a headquarters there.
 2 Q. Okay.
 3 A. So I believe that's where it
 4 was, yeah.
 5 Q. Do you recall any
 6 discussions with Doug Boothe before or
 7 after the meeting that were you a part
 8 of?
 9 A. It's very possible. He
 10 wouldn't be someone that I didn't talk
 11 to. Not that he'd be someone that I
 12 talked to that frequently. But none that
 13 I recall specifically.
 14 Q. Do you recall him ever
 15 expressing concern to you about this
 16 meeting?
 17 A. Expressing concern? You
 18 know, I think, you know, one of the
 19 things about Doug -- so for everybody
 20 else's knowledge, Doug was my boss's
 21 boss. And much like my boss who had
 22 every confidence in me, he knew what he
 23 was getting and he knew that I deal
 24 with -- you know, dig into the details,

1 and when I do something, I do it all the
2 way. Doug had that same level of
3 confidence in me.

4 You know, I'm sure he was
5 probably curious like, what the heck, why
6 are we being called to the DEA, you know,
7 because we didn't even know.

8 But I don't recall specific
9 conversations, no.

10 Q. Okay. Thank you. Do you
11 recall a discussion of Florida --
12 Florida, oxycodone in Florida during this
13 DEA presentation?

14 A. Specific to Florida, I mean,
15 over the course of business we had a lot
16 of discussions on Florida, because we --
17 you know, with licensing and all their
18 special requirements on documentation and
19 how the documents would be printed, so
20 Florida was one of those states that came
21 up a lot. We had to make a lot of
22 customizations in terms of our documents
23 to be compliant, like, from a state
24 level. So when you say Florida, that's

1 what I think of.

2 Q. In this presentation --

3 A. In this presentation --

4 Q. -- do you recall the DEA
5 discussing the oversupply of oxycodone in
6 Florida with you?

7 A. I remember at some point in
8 some conversation somewhere, and it may
9 have been with the DEA, but I can't be
10 certain, that someone made a comment
11 about, you know, X percentage of drugs
12 are going into Florida or whatever. But
13 I can't be certain what that comment was
14 or where it was taken. So I'd have to
15 say no to you. I don't know.

16 Q. Okay. I'm going to direct
17 you to --

18 A. I know they gave us --

19 Q. -- the back of this lengthy
20 presentation?

21 A. I know they gave us all
22 kinds of charts and bar graphs and --

23 Q. Mm-hmm. So it starts on
24 ALLERGAN_MDL_03302237.

1 A. The last four digits, 2227?

2 Q. 2237.

3 MS. LEVY: 37.

4 THE WITNESS: Mine is a
5 blank page. My 2237 is virtually
6 a blank page.

7 BY MS. ANTULLIS:

8 Q. It should say, "Actavis top
9 50 pharmacy sales, 2010-2012."

10 A. Yes. Okay.

11 Q. If you look at it
12 horizontally. Okay.

13 So let's flip to the first
14 page of that chart on the next page. Do
15 you see at the bottom right corner where
16 it says, "Source: ARCOS"? Very, very
17 far bottom right.

18 A. That's what ARCOS is, okay.

19 Q. Do you see that listed
20 there, ARCOS?

21 A. Yes.

22 Q. Does that help you refresh
23 your understanding as to --

24 A. What ARCOS is.

1 Q. -- what ARCOS data is?

2 A. Yes. It was a blank to me
3 before when you mentioned it.

4 Q. So looking at this chart, it
5 says, "Top 50 pharmacies, sales of
6 oxycodone, 50 milligrams." There's an
7 NDC code, in 2010.

8 A. Yes.

9 Q. And then it lists buyers by
10 their DEA number, county, city, state,
11 total, et cetera.

12 Do you have any
13 understanding of what this chart purports
14 to be tracking?

15 A. Yes.

16 Q. Okay. What do you believe
17 this is?

18 A. Well based on what I'm
19 looking at here, it's taking pharmacies
20 from across the country and classifying
21 them by rank and purchases using a
22 buyer's DEA number.

23 Q. And is this -- to your
24 understanding, do you remember, is this

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1 oxycodone manufactured by Actavis?

2 A. Based on that NDC, it looks
3 to me to be what was our NDC, yes.

4 Q. Okay. So do you have any
5 understanding of why the DEA was
6 presenting you with the lists of the top
7 pharmacies prescribing oxycodone
8 manufactured by Actavis?

9 A. Sure.

10 Q. So what was your
11 understanding of why they were presenting
12 these lists?

13 A. So it kind of falls in line
14 to where we were taking our initiatives
15 to the next level. And it also falls in
16 line to my comment earlier, that they
17 were impressed, because what we were
18 doing, had we been given longer for this
19 meeting, we would have been giving them
20 this data, right, because it's looking
21 at, you know, one pharmacy, and what
22 product they're getting of yours from
23 different sources.

24 But the one thing I will say

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1 is, now that I remember the term ARCOS,
2 the DEA -- and listen, I've been wrong
3 before, but we've discussed this so many
4 times. The DEA is the only one sitting
5 with this data collectively rolled up
6 from not -- and when I say rolled up in
7 that term, I mean from Actavis, from
8 whoever the other companies are,
9 Mallinckrodt, Purdue, some of the names
10 that you mentioned earlier, where, you
11 know, we would never have visibility and
12 the true full picture to what a pharmacy
13 was getting at the end of the day.

14 What we could tell and what
15 our efforts were to make sure we knew
16 what was happening with our product. But
17 that's the limit of our ability.

18 But the importance of the
19 topic is, listen, it doesn't matter if
20 they're getting one NDC of oxy 15.
21 Because they may also be getting two or
22 three others, and the collective picture
23 is what matters.

24 So to me that's a

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1 challenging question, is -- whether it be
2 Actavis or any other -- I can't speak for
3 any other manufacturers. But those other
4 manufacturers, just the same, they don't
5 have our data. I mean, we wouldn't share
6 data. We wouldn't get together and say,
7 let's all see what pharmacy is getting
8 what so that we can make sure that any
9 one is not getting too much. So it's --
10 it's complicated.

11 And unless you're sitting in
12 a spot where you have access to DEA
13 information completely rolled up --

14 Q. So my question was whether
15 you had a sense of why the DEA was
16 presenting a list of the top 50
17 pharmacies prescribing
18 Actavis-manufactured oxycodone.

19 Is it your testimony --
20 please correct me. Is it your testimony
21 that the DEA was showing you this
22 information to do a comparative analysis
23 between Actavis and other manufacturers'
24 sales of oxycodone?

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1 A. I don't know if I could say
2 that. That may have been the case. But
3 not that I recall. If I had to summarize
4 what I think it was about, it was
5 twofold. Like creating an awareness, hey
6 look, look at this data. And also what
7 are you guys doing? Like, what's your
8 process? It was really a twofold
9 meeting.

10 But I don't remember
11 anything to do about what your question
12 just was.

13 Q. So are you saying that
14 Actavis didn't have any insight into the
15 other manufacturers' sales of oxycodone?

16 A. At a customer level? I mean
17 I can't imagine we would ever have any
18 data of another manufacturer at a
19 customer level. I mean I don't think
20 that would ever happen.

21 Would we have data in terms
22 of overall units in the market and market
23 share -- possibly. But, yeah, I don't
24 know. I don't know which part of that

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1 question, where you were going.
 2 Q. Well, when you say customer
 3 level, what are you -- what -- how are
 4 you defining customer in that statement?
 5 A. I mean would we be sitting
 6 there and would the DEA be sharing with
 7 us --
 8 Q. No, my question is --
 9 A. -- all the other
 10 manufacturers?
 11 Q. My question is --
 12 MS. LEVY: Make sure you're
 13 listening really carefully to the
 14 question that she's asking you.
 15 THE WITNESS: Yeah. Yeah.
 16 BY MS. ANTULLIS:
 17 Q. The question is what your
 18 definition of customer is in your
 19 statement when you said we don't have
 20 customer level data on other
 21 manufacturers' sales.
 22 A. Okay. Thank you for the
 23 clarification.
 24 In that statement when I

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1 referred to customer, I was trying to
 2 speak in the same terms of this report
 3 you're showing me. Customer is a DEA
 4 registrant level.
 5 Q. Okay. Were you familiar
 6 with ARCOS data prior to this meeting?
 7 A. Familiar, you know, heard
 8 the term. But I did not utilize ARCOS
 9 data. I don't even know who, if anyone,
 10 had access. I don't know who had access
 11 to ARCOS data.
 12 Q. Have you ever seen ARCOS
 13 data?
 14 A. Well, if this is ARCOS data,
 15 which it says it is, then this I've seen.
 16 So, yes.
 17 Q. Outside of these reports,
 18 have you ever seen anything from the DEA
 19 showing ARCOS data?
 20 A. From the DEA outside of
 21 this? I don't recall being shared any
 22 additional ARCOS data.
 23 Q. So I'm going to flip to
 24 those colorful charts now.

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1 A. Mm-hmm.
 2 Q. So I'm going to go to the
 3 beginning of those colorful charts.
 4 There's a little page here that
 5 explains --
 6 MR. LOVRIEN: Can you direct
 7 us to a page number?
 8 MS. ANTULLIS: 2257 are the
 9 last four digits. So it should
 10 have the colored lettering.
 11 BY MS. ANTULLIS:
 12 Q. So please read that first
 13 paragraph there.
 14 It says, I'll just read it
 15 into the record. It says, "The following
 16 charts and graphs have been compiled from
 17 ARCOS reports your firm has previously
 18 submitted to DEA. The data was reviewed
 19 and the purchases of a few of your
 20 customers will be addressed during our
 21 discussion."
 22 Who at Actavis submits
 23 information -- submits ARCOS -- who at
 24 Actavis submits information to the DEA?

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1 A. I do not recall. I know it
 2 wasn't me. I believe -- I can't say,
 3 because I would be guessing. I don't
 4 recall the person.
 5 Q. Do you know what -- okay.
 6 Do you know what department would be
 7 responsible for submitting ARCOS reports
 8 to DEA?
 9 A. I don't -- I don't -- no.
 10 Q. Okay. I'm going to go ahead
 11 and flip to the next page. So the next
 12 page is a fun colored chart. It's titled
 13 UPS Supply Chain Top Customer Sales in
 14 Dosage Units of Oxycodone 50 Milligrams.
 15 Then there is that NDC number again. Two
 16 NDC numbers.
 17 A. Mm-hmm.
 18 Q. Do you recognize those NDC
 19 numbers?
 20 A. Yes.
 21 Q. Okay. Are those Actavis
 22 products?
 23 A. Yes. I believe -- I believe
 24 they both are.

1 Q. Do you recall -- so you'll
2 remember from the previous page it said
3 that the DEA said they want -- they
4 wanted to discuss certain customers with
5 you during the meeting.

6 Do you recall whether any of
7 these customers were actually discussed
8 with you during that meeting, the ones
9 that are listed on the charts?

10 Do you recall discussing
11 Walgreens during that meeting?

12 A. I don't -- I don't recall
13 any conversations ever pinpointed to one
14 customer or another, yeah.

15 Q. Okay. Do you recall looking
16 through these charts generally?

17 A. Yes.

18 Q. The colored charts?

19 A. Yes.

20 Q. Do you recall any discussion
21 regarding these colored charts?

22 A. Yes. I don't recall what --

23 Q. Do you recall anything that
24 the DEA said to you regarding the colored

1 charts?

2 A. They went over the data and
3 they virtually said what we were seeing.

4 Q. Okay. So what did they say
5 we were seeing here?

6 What is your understanding
7 of what these charts reflect?

8 A. It's just giving us a
9 picture, by product, by NDC, by customer
10 and by volume for a certain time period
11 so that we can visually have that
12 discussion.

13 Q. Okay. So what was the
14 discussion regarding the data that's
15 depicted in these charts?

16 A. So the discussion once again
17 goes back to where the meeting started
18 and where we spent the bulk of our time.
19 I feel like this was like the end of the
20 meeting. We took maybe -- let's say the
21 meeting was three hours. We took the
22 first two hours.

23 So this was a very small
24 part of the meeting. The -- the meeting

1 was really focused on tell us about your
2 processes, what do you do, and then this
3 was kind of at the end from what I
4 recall.

5 Q. So do you recall any
6 discussion regarding these charts in
7 particular?

8 A. Not -- not deep discussions,
9 but discussions enough, you know, look at
10 the chart, turn the page, yeah.

11 Q. Okay. Do you recall any
12 action items that came out of this
13 meeting?

14 A. I don't know if they were
15 action items designated from the DEA, but
16 certainly we walked away -- I mean we --
17 we looked at this as an opportunity --
18 and we didn't look at this meeting as
19 punishment. We looked at this meeting as
20 an opportunity to make us better.

21 So we certainly walked away
22 with follow-up items, but I don't believe
23 those were like the DEA said, you know,
24 you need to go do this. I think we

1 walked away and made our own follow-up
2 items.

3 Q. Okay. So again I'll unpack
4 that a little bit. So my first question
5 then, which I believe you've answered.
6 I'm going to ask it and make it clear on
7 the record.

8 Did the DEA ask you to do --
9 take any steps regarding your suspicious
10 order monitoring program following this
11 meeting?

12 A. I do not recall any specific
13 steps the DEA said we want you to take.
14 I know we took steps. But I don't recall
15 that coming from the DEA, as I recall it.

16 Q. So you -- did you meet with
17 your colleagues from -- from Actavis who
18 were present at this meeting after the
19 meeting?

20 A. At that very moment, like
21 that day or?

22 Q. That night.

23 A. I -- I don't believe so.

24 Not that I recall. I may have gotten on

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1 a train right away.
 2 Q. Okay.
 3 A. But certainly we debriefed
 4 on it at some point, whether it was
 5 another day or another couple of days, I
 6 don't -- I don't recall.
 7 Q. Did you memorialize the --
 8 the contents of this meeting for any
 9 superiors at Actavis?
 10 A. Oh I'm sure we did. In what
 11 context --
 12 Q. But did you?
 13 A. -- I don't know.
 14 Q. Did you?
 15 A. Did I?
 16 I don't know if I would
 17 have, or John or Michael. I'm sure
 18 someone came back and, you know, like I
 19 would have come back and said to my boss
 20 how the meeting went. I'm sure they
 21 would have done the same, but I don't
 22 remember any formal nature of it. I
 23 don't -- I don't recall.
 24 Q. So you stated, you testified

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1 We went over the regulation
 2 to make sure we are all on the same page
 3 and had the same understanding. You
 4 know, had dialogue about things like that
 5 letter from 2007 and how vague it is and
 6 how the DEA, even if you put together
 7 this amazing system, still won't tell you
 8 that it's -- that it's what it needs to
 9 be.
 10 You know, but we really
 11 talked about the -- the regulation and
 12 the focus of -- of those initial meetings
 13 was us presenting, here just so you know,
 14 Mr. Wholesaler 1, 2, and 3, here is what
 15 we're doing and here is our expectation
 16 of you. That was really that intention.
 17 And that was -- yeah, that's what I can
 18 say.
 19 Q. Okay.
 20 A. I don't know the timing,
 21 like I don't know when that occurred
 22 though, to be honest.
 23 MS. ANTULLIS: How long --
 24 how long have we been going?

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1 that -- that you all, and I don't want to
 2 misstate your testimony. I'm probably
 3 going to here, so...
 4 You all designed action
 5 items following the meeting; is that
 6 correct?
 7 A. There were action items that
 8 came out as a result of this meeting that
 9 we -- we took away, that listen, let's
 10 take what we're seeing and figure out how
 11 to make us better, yeah.
 12 Q. So what were some of those
 13 things that you took away that would make
 14 you better?
 15 A. Having discussions with our
 16 wholesalers, you know, and meeting --
 17 Q. What would those discussions
 18 be about?
 19 A. -- meeting with our
 20 wholesalers.
 21 First of all, we -- we met
 22 with our key three wholesalers, McKesson,
 23 Cardinal and AmerisourceBergen, at their
 24 locations.

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1 THE VIDEOGRAPHER: This
 2 session? 1 hour and 23 minutes.
 3 MS. ANTULLIS: Okay. So I
 4 think this is a good time to take
 5 a break if everyone is amenable to
 6 that. I need some water.
 7 THE VIDEOGRAPHER: Okay.
 8 Please remove your microphones.
 9 The time is 2:49 p.m. Off the
 10 record.
 11 (Short break.)
 12 THE VIDEOGRAPHER: We are
 13 back on the record. The time is
 14 3:10 p.m.
 15 BY MS. ANTULLIS:
 16 Q. Okay. Hi. Good afternoon.
 17 At any point during your
 18 employment at Actavis, were you the
 19 senior person in charge of the suspicious
 20 order monitoring program?
 21 A. Senior person in charge of
 22 executing and driving the project. But
 23 ultimately, it was owned by our
 24 compliance executives. I mean, they were

1 the owners. But I was managing it and
2 running it, so it depends on how you --

3 Q. Who did you report -- did
4 you report to anybody regarding the
5 suspicious order monitoring program?

6 A. I reported to Michael
7 Perfetto, and informally I reported and
8 worked with legal and compliance, John
9 Duff and Michael Clark.

10 Q. Do you recall receiving
11 guidance or instructions from John Duff
12 and Michael Clark regarding the
13 suspicious order monitoring procedures
14 and policies?

15 A. Guidance from them?

16 Q. Mm-hmm.

17 A. Sure. They were part of the
18 project team. So yes. They would have
19 provided guidance.

20 Q. Who at Actavis reported
21 suspicious orders to the DEA when they
22 were discovered?

23 A. I can't be certain of that
24 answer.

1 A. So what I can say in terms
2 of this project, because they have many
3 elements to their job, right, which I
4 can't speak to. But they were a part of
5 this initiative, that spanned across
6 different areas, right. You had my team
7 that was managing the orders and the
8 reports coming in. You had legal and
9 compliance. And I could still visualize
10 you know, something that I wrote to this
11 effect, that provided the legal input and
12 insight and guided us on the regulation
13 and all that. And then you had the
14 security -- I mean, I say -- it wasn't
15 like a huge department, I think it was
16 like one or two. And ultimately it was
17 them, if I recall correctly, that was
18 responsible for reporting. It's just
19 been so long.

20 Q. Who were the people in the
21 security department?

22 A. The only name I remember is
23 Kelly Smith.

24 Q. Kelly Smith. And was Kelly

1 Q. Do you know what department
2 reported suspicious orders to the DEA
3 when they were discovered?

4 A. I believe it may have been
5 our security group. But I -- I can't
6 recall with certainty.

7 Q. You discussed the security
8 group before. What did the security
9 do -- what did the security group do?

10 A. I'm not an expert on their
11 role and their job description. But very
12 high level, they had a lot of different
13 responsibilities, in terms of plant
14 security. You know, I don't really want
15 to speak to their roles.

16 Q. But --

17 A. I'd rather not, because I
18 may not get it accurate.

19 Q. I understand. But you've
20 used the term "the security team" several
21 times. So I'm asking for what your
22 understanding is of what the security
23 team is generally, if you have an
24 understanding.

1 Smith employed at Actavis the entire time
2 that you were there?

3 A. I don't know -- I don't know
4 her employment dates. I know for a
5 period of time that I was there. Who
6 came first, who left first, I don't
7 recall.

8 Q. Earlier you discussed a
9 security agreement, I believe in the
10 context of only specific departments
11 having access to the suspicious order
12 guidelines.

13 Do you recall that?

14 A. No. It wouldn't be having
15 access to guidelines. What I was
16 referring to, if it's the conversation I
17 believe you're referring to, is the
18 ability to release orders. That was
19 security driven just like entering an
20 order or releasing an order off credit
21 hold. Every command in the system was
22 driven by a set of security criteria in
23 terms of who had access to that.

24 Q. And that criteria -- is that

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1 criteria memorialized in writing?
2 A. I'm sure it would have to
3 be.

4 Q. How was the criteria
5 communicated to you?

6 A. Communicated to you? I
7 believe there was a system-generated
8 report that would show who had access to
9 different commands. And even outside of
10 SOM, any functional area was responsible
11 to make sure that tasks and -- and
12 processes and what I would call commands
13 in the system were only accessed by those
14 that were authorized to do so. And it
15 was -- there weren't -- it was very few.
16 Probably less than one hand that had that
17 access.

18 Q. Okay. So very few. You
19 mean had access to --

20 A. Yeah.

21 Q. -- the suspicious order
22 reports?

23 A. Oh not the reports. No. I
24 thought -- thought you were talking

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1 about -- you mentioned the security
2 earlier. And when I think of security,
3 it's the mechanism and the ability to
4 touch an order and release an order.

5 Q. Okay.
6 (Discussion off the record.)

7 THE VIDEOGRAPHER: The time
8 is 3:16 p m. Off the record.

9 (Brief pause.)

10 THE VIDEOGRAPHER: We are
11 back on the record. The time is
12 3:22 p m.

13 BY MS. ANTULLIS:

14 Q. So prior to the break, we
15 were discussing the DEA suspicious order
16 notifications, so who notified the DEA
17 when there was a suspicious order.

18 You testified, I believe,
19 that the -- that the -- the security
20 department would have been the one to
21 notify the DEA of suspicious orders when
22 discovered; is that correct?

23 A. Yes, to the best of my
24 knowledge.

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1 Q. And was that -- was that the
2 case both before the security -- the SOM
3 enhancement and after?

4 A. Yeah, I don't believe that
5 wouldn't have been any different, that
6 aspect.

7 Q. What did you do when a
8 pending order was deemed to be suspicious?

9 A. So I'll be honest with you,
10 I don't recall any specific customers or
11 orders or details along that nature. And
12 although we had many that got close,
13 because we didn't have the information we
14 needed, but eventually we were able to
15 make sense of things.

16 I can't tell you any
17 specifics about orders that were
18 suspicious, or how many there even were
19 that were ultimately reported.

20 Q. So do you recall any
21 situation that you were involved in where
22 a pending order was deemed suspicious
23 after investigation?

24 A. I know there -- there was at

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1 least one. How many more I don't recall.
2 But I don't know any details about it.
3 It's been too long.

4 Q. Okay. But is it -- so
5 you've testified that -- that you
6 remember at least one situation in which
7 a pending order was deemed suspicious,
8 that you were involved in?

9 A. I believe -- I believe there
10 was one.

11 Q. Do you remember who you
12 discussed that suspicious order with?

13 A. Whatever the scenario was,
14 and I don't recall the specifics, it was
15 reported to the DEA. What the ultimate
16 outcome was, in that specific scenario, I
17 don't remember.

18 Q. Do you remember who -- who
19 that particular customer was?

20 A. I -- I can't say for
21 certain, when an order was reported as
22 suspicious, who it would have been. I
23 know there was -- there was one customer
24 that just comes to mind that was -- that

1 may have been someone we reported. But
2 if I say it, I may be wrong.

3 Q. And so, during your time at
4 Actavis, and by your time at Actavis, I'm
5 referring to both 2008 through 2017.

6 A. Mm-hmm.

7 Q. Do you recall more than one
8 incident in which an order of interest
9 was investigated and deemed suspicious
10 that you were involved in?

11 A. So my responsibility changed
12 for many of those years, so I wouldn't
13 have been necessarily part of that. So
14 there may have been some. But I don't
15 know. So I can't speak for some years.

16 Q. All right. So are you
17 aware --

18 A. In terms of what I'm aware,
19 I don't remember -- I don't remember a
20 number.

21 Q. Do you remember if it was
22 more than one?

23 A. I don't remember, no.

24 Q. Do you remember if it was

1 more than ten?

2 MR. LUXTON: Objection.

3 MS. ANTULLIS: What's the
4 objection? I just don't -- I want
5 to understand if I can --

6 MR. LUXTON: She said she
7 doesn't remember. So, I mean, you
8 can keep asking her. She says she
9 doesn't remember. So that's the
10 objection.

11 BY MS. ANTULLIS:

12 Q. Do you remember if it was
13 more than ten?

14 A. Well, I don't remember it
15 being more than one, so I definitely
16 wouldn't remember it being more than ten.

17 Q. So what would have been the
18 protocol prior to -- prior to the
19 enhancement in 2011 and 2012, what would
20 have been the protocol, or what was the
21 protocol when an order was deemed
22 suspicious?

23 A. So very important, there was
24 never -- our process was such that maybe

1 there was, you know, one line on the
2 order that was suspicious. But maybe it
3 was a five or 50-line-item order.

4 If something were deemed
5 suspicious the entire order was canceled.
6 You know, we couldn't take the quantities
7 and reduce it to a point that made it not
8 suspicious. You know, that's just not
9 how it worked. So the entire order, to
10 answer your question, would have been
11 canceled and reported to the DEA.

12 Q. And who -- who did you
13 report that suspicious order
14 determination to?

15 A. Well, like I said earlier, I
16 believe it was our DEA security group.

17 Q. So you believed then that
18 you reported directly to that group, and
19 that group then reported the order to the
20 DEA; is that correct?

21 A. Yes.

22 Q. And your department then was
23 responsible for canceling the order; is
24 that correct?

1 A. Yeah. At that point, that
2 would be the limit of our ability, to
3 cancel the order.

4 Q. Would you then notify the
5 customer that their order had been
6 canceled?

7 A. Because I don't remember the
8 scenario of how many times it would have
9 happened, let alone when it happened. I
10 don't recall the details of how the
11 customer would have been communicated. I
12 would venture to guess it was handled in
13 a very sensitive, proper way. But I
14 don't recall.

15 Q. Do you recall what the
16 protocol -- was there any protocol
17 regarding communications with customers
18 following a canceled order?

19 A. They would be notified the
20 order was canceled.

21 Q. Was any investigation
22 required following a canceled order into
23 the customer who placed the order?

24 A. Investigation -- what type

1 of investigation?

2 Q. Were you required to
3 investigate the customer following a
4 canceled order?

5 A. I only remember one
6 scenario. And to be honest, whether it
7 was a suspicious scenario or not, we
8 had -- I remember one scenario with a
9 customer. And we were told by the DEA to
10 continue business as normal. I think
11 they were investigating them. They were
12 on their radar, and they didn't want to
13 do anything unusual.

14 That's the only
15 customer-specific scenario that I
16 remember. It turns out that that
17 customer was later -- we shut them down.
18 We decided we didn't want to do business
19 with them.

20 Q. So then is it fair to say
21 that there was no clearly delineated
22 protocol for how to communicate with
23 customers following the cancellation of a
24 suspicious order?

1 A. Well, because we weren't
2 deeming orders suspicious on a daily
3 basis, there wasn't an everyday protocol.
4 It wasn't something that happened every
5 day. And the scenario may have been
6 different. So we would have consulted
7 our internal experts who would consult
8 the DEA, and the scenario would have been
9 handled based on their instruction.

10 Q. And who were those internal
11 experts that you would have consulted?

12 A. Like I mentioned, our -- we
13 have a compliance officer, and our
14 security person, which is a former DEA.

15 Q. Was there a group named DEA
16 affairs at Actavis at any point?

17 A. Yes, but not during this
18 time period.

19 Q. Okay. So DEA affairs as a
20 group came into being after the 2011-2012
21 enhancement?

22 A. That's correct.

23 Q. How did you consult
24 compliance and security when you needed

1 information on how to approach a customer
2 following a pended order, a suspicious
3 order?

4 A. Well, I have to say that
5 your question is talking about how we
6 approached the conversations. But when I
7 said earlier this is not something that
8 happened often, I was estimating it was
9 once that we really had something that
10 was finally deemed suspicious. So I
11 don't really have a lot to say more about
12 our protocol. It was -- I really can't
13 say any more than I think I already have.

14 Q. How would you -- did you
15 consult compliance and security for
16 guidance on issues related to the
17 suspicious order monitoring program?

18 A. When, if needed, sure. I
19 mean, I was in a role to lead something.
20 But that doesn't make you an expert, so
21 you have to leverage your resources when
22 you need them, yeah.

23 Q. And how would you -- how
24 would you consult with them? By what

1 method of communication would you consult
2 with them?

3 A. Could be any -- any method.
4 It could be an e-mail. It could be a
5 phone call. It could be walking down the
6 hall and see them.

7 Q. Did you ever e-mail
8 compliance for questions about
9 guidance -- for seeking guidance on
10 suspicious order monitoring issues?

11 A. I don't recall specifics.
12 But it's possible.

13 Q. Do you recall any phone
14 calls to compliance regarding suspicious
15 order monitoring issues?

16 A. I don't recall specifics,
17 but it's very possible. You know, I
18 don't -- I don't know details.

19 Q. Do you recall e-mailing
20 security, the security department with
21 specific -- with the questions about the
22 suspicious order monitoring?

23 A. My answer would be the same
24 for that. It's possible. I don't

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1 remember.

2 Q. All right. So is it -- is
3 it -- I just want to make sure I
4 understood your testimony. From 2008 to
5 2011 you reported -- your protocol was to
6 report suspicious orders to security; is
7 that correct?

8 A. The earlier years, to be
9 honest, before we made the enhancements,
10 I don't recall who it was. I know that
11 the later years of that period was
12 security. Who it was before that, I
13 don't recall.

14 Q. So -- so you know then, so
15 as of -- is it as of 2012 the security
16 department is the team that you would
17 have notified if there were suspicious
18 order? Is that correct?

19 A. I'm going to estimate around
20 2011, '12. But that's not to say that it
21 wasn't the same in 2010 or '9, I just
22 don't remember.

23 Q. So you don't -- so right.
24 So then -- so then you do not remember

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1 who you would have notified prior to
2 2011; is that correct?

3 A. I don't -- it's too long
4 ago. I don't remember that.

5 Q. Would you have been the only
6 person in the customer service department
7 who would have notified either security
8 or whomever else was responsible for
9 reporting the DEA orders?

10 A. I -- yes.

11 Q. So nobody else in the
12 customer service department would have
13 been responsible for contacting security
14 to tell them about a suspicious order?

15 A. No. They would be engaged
16 in the initial process and the leg work
17 and the due diligence. But it wouldn't
18 have been left to them, no.

19 Q. Okay. Do you recall -- let
20 me just strike that question.

21 Did Actavis ever halt
22 shipments of opioids in quantities that
23 it knew could not be justified?

24 MR. LUXTON: Objection.

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1 THE WITNESS: What does that
2 mean? Okay. Did we halt
3 shipments of opioids that we knew
4 could not be justified? Well,
5 that -- I mean, what you're saying
6 is a suspicious order. That's the
7 same question as what we had
8 before.

9 And I don't recall, like I
10 said, if we had one order or a
11 few. I don't remember.

12 BY MS. ANTULLIS:

13 Q. Okay. Following the
14 September 2012 meeting with the DEA, did
15 the DEA contact you again to request a
16 follow-up meeting?

17 A. I don't recall who
18 specifically, but they did not contact me
19 personally.

20 Q. Do you remember who they
21 contacted?

22 A. No.

23 Q. Did a meeting happen?

24 A. Yes.

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1 Q. Okay. When did that meeting
2 happen?

3 A. Like I said, it was
4 approximately, give or take a month after
5 the initial meeting, but I can't say with
6 certainty.

7 Q. Who from Actavis was at that
8 meeting? Hold on.

9 Were you at that meeting?

10 A. Yes.

11 Q. Who from Actavis besides you
12 were at that meeting?

13 A. I can't say with certainty,
14 but I have a feeling it was certainly the
15 same audience that went to Washington a
16 month prior.

17 Beyond that, anyone
18 additional, I don't recall. I almost
19 feel like it was a Part 2, the same
20 audience.

21 Q. So that meeting, that
22 followed a month -- that occurred a month
23 after the September 2012 meeting, was it
24 with the same DEA officials?

1 A. I believe it was two
2 gentlemen. I don't know their names.
3 And I am almost positive that they were
4 in the same audience as the original
5 meeting. But it was only two versus what
6 was initially many. It was a much
7 smaller meeting.

8 Q. Do you recall the -- the
9 conversation that occurred at that
10 meeting?

11 A. Not specifically. It was
12 almost just a come back again and ask the
13 same questions, go through the same
14 things again. But I don't remember
15 anything specific that was -- stood out
16 to me as the real purpose of that
17 meeting.

18 Q. Were there any action items
19 that arose from that meeting?

20 A. None that I'm aware.

21 Q. What was your understanding
22 of what that meeting's purpose was?

23 A. Once again we were asked for
24 a meeting and you don't say no. You say

1 sure.

2 Q. So suspicious order
3 monitoring enhancement started in -- at
4 some point in 2011; is that correct?

5 A. Correct.

6 Q. When did it go active,
7 the -- the new program?

8 A. I don't have that date in
9 front of me to say for sure.

10 Q. Might it have been
11 approximately the end of 2012?

12 A. I don't think it was that
13 late, no. I mean, you had an
14 exhibitor -- exhibit earlier that spoke
15 about, hey, we just implemented this, we
16 want to shut it down. So it had to be
17 around that same time period.

18 I -- I feel like the
19 project, in -- in its entirety was -- I
20 don't think it was that long. But I
21 don't -- I don't know a go-live date.

22 Q. I just want to ask you
23 some -- some general questions about the
24 policies, and then I'm going to show you

1 a document and ask you some questions
2 about that related to the policies.

3 A. Okay.

4 Q. So you stated -- you
5 testified earlier that if there were a
6 suspicious order determined, you would
7 report that to the security department,
8 correct?

9 A. Yes, but I also testified
10 that I was almost certain of that, but
11 not certain. I --

12 Q. Okay.

13 A. That's -- that is my
14 recollection.

15 Q. So were there any -- did you
16 report that, that suspicious order to any
17 other groups within Actavis?

18 A. It wouldn't have been
19 something that we broadly -- broadly
20 announced. Other groups? No other
21 specific groups that I can think of other
22 than legal and compliance.

23 Q. And what was the role of
24 the -- you testified earlier that there

1 was a suspicious order monitoring
2 steering committee, correct?

3 A. Yes.

4 Q. And was that committee
5 implemented as part of the 2011
6 enhancements?

7 A. Yes. And they were --
8 essentially just sat there to ensure that
9 the effort -- the initiative was driven
10 and it was supported from top down. That
11 was the concept.

12 Q. Do you ever report any
13 orders of interest to the steering
14 committee?

15 A. Once again, not remembering
16 how many, if any, you know, had one, or
17 whatever it was, it's hard for me to say
18 if we did report it to the steering
19 committee.

20 Q. So just to clarify --

21 A. But --

22 Q. -- for -- for you --

23 A. -- it probably wouldn't
24 surprise me if we did.

1 Q. Did you -- did you report
2 any orders of interest? So I'm not
3 asking about --

4 A. Orders of interest.

5 Q. -- suspicious orders, I'm
6 asking about orders of interest.

7 Did you ever report orders
8 of interest to the steering committee?

9 A. That really wasn't the
10 purpose of the steering committee to --
11 to put orders in front of them that
12 weren't deemed suspicious. So --

13 Q. So is that no?

14 A. I don't -- I don't know --
15 it's an I don't know. I don't know
16 whether we'd be -- yeah, I don't know.

17 Q. Okay. What was the purpose
18 of the steering committee?

19 A. Steering committee was, as I
20 stated earlier, to provide support from
21 the top down regarding the initiative, to
22 ensure we had the resources we needed,
23 the funding to buy consultants. And the
24 support more than anything else, so that

1 whatever areas we needed support from, we
2 got it. I mean that was their role.

3 Q. And did -- did the
4 steering -- steering committee have any
5 role in investigating an order of
6 interest?

7 A. That wasn't their function.

8 Q. Did the steering committee
9 have any role in deciding whether or not
10 to report a suspicious order to the DEA?

11 A. That too wasn't their
12 function.

13 Q. Okay. So I'm going to show
14 you another document now, if I can find
15 it.

16 MS. ANTULLIS: It is
17 Number 55, sir.

18 (Document marked for
19 identification as Exhibit
20 Baran-11.)

21 MS. ANTULLIS: So Exhibit 11
22 is ALLERGAN_MDL_03382709.

23 THE WITNESS: Thank you.

24 BY MS. ANTULLIS:

1 Q. So Exhibit 11 appears to be
2 an e-mail with two attachments. Can you
3 please look at these two attachments and
4 just tell me if they are familiar to you?

5 A. Yes, they are.

6 Q. And in your e-mail, the
7 cover page, please take a look at that.
8 The subject line says direct and indirect
9 SOPs Actavis. And then it lists a file
10 name for the two attachments.

11 Do you see that?

12 A. Correct.

13 Q. So the first file name says
14 SOM SOP and business procedure direct
15 final.docx. The second one says SOM SOP
16 and business procedure indirect
17 final.dox -- docx.

18 Is it your understanding
19 then, looking at this e-mail and looking
20 at the attachments, that this represents
21 the final standard operating procedures
22 that were written for the direct and
23 indirect suspicious order monitoring
24 program in 2012?

1 A. Based on what I'm seeing on
2 October 26th, I would say yes, but that
3 doesn't necessarily imply that the
4 procedure was never modified.

5 Q. Okay. But do you have any
6 reason to suspect that the attachments
7 are not representative of final drafts?

8 A. I don't believe so.

9 Q. So I want to -- I only want
10 to ask you one question about this, other
11 than what I've already asked you, which
12 is, on Page 2713, which is Page 4 of 5 of
13 the first attachment.

14 A. Okay.

15 Q. In Section 9, it's titled
16 reporting a suspicious order to the DEA.
17 Do you see that at the bottom?

18 A. Yes.

19 Q. Okay. So 9.1 it says, "If
20 an order cannot be cleared of suspicion,
21 Actavis DEA affairs will alert the local
22 office of DEA by phone of the suspicious
23 order activity."

24 A. Correct.

1 Q. Do you see that?
 2 A. Yes.
 3 Q. Is Actavis DEA affairs the
 4 same thing as the security department?
 5 A. That was the role. It's the
 6 same, one and the same.
 7 Q. So they are the same entity?
 8 A. Yes.
 9 Q. Okay. Thank you. That was
 10 my question.
 11 Next. There we go. It's
 12 Tab Number 39. This is Exhibit 12.
 13 Actavis 1136380.
 14 (Document marked for
 15 identification as Exhibit
 16 Baran-12.)
 17 MS. ANTULLIS: Where is the
 18 rest of the document?
 19 MR. DEARMAN: Where is the
 20 rest of the document?
 21 MS. ANTULLIS: We're going
 22 to have to come back to that.
 23 No, actually, I'm sorry, but
 24 you're handing me the wrong

1 just state on the record that
 2 Exhibit 12 is, and the Bates
 3 range.
 4 MS. ANTULLIS: To clarify,
 5 Exhibit 12 is a Bates range
 6 starting at ACTAVIS_1136380.
 7 It's still not the right
 8 one.
 9 MR. DEARMAN: 29.
 10 MS. ANTULLIS: 28.
 11 Sorry, guys. Bear with us.
 12 MS. LEVY: Is that -- are
 13 you going to keep this Exhibit 12?
 14 MS. ANTULLIS: I don't know.
 15 I don't know what it is.
 16 BY MS. ANTULLIS:
 17 Q. So you testified earlier
 18 that following the meeting with the DEA
 19 in September of 2012, you scheduled
 20 meetings with the top three distributors,
 21 correct?
 22 A. Yes.
 23 Q. And so those distributors
 24 then would be AmerisourceBergen, Cardinal

1 document.
 2 MR. DEARMAN: Okay. You
 3 asked for 39.
 4 MS. ANTULLIS: Did I? My
 5 apologies. 28. Sorry, guys.
 6 MR. DEARMAN: It shows on
 7 the realtime. You shouldn't have
 8 ordered the real-time if you
 9 didn't want it.
 10 MS. ANTULLIS: I believe it.
 11 It's because 39 is backwards
 12 right here, you see?
 13 MR. DEARMAN: Did you read
 14 the Bates range into the record?
 15 MS. ANTULLIS: I read that
 16 Bates range into the record as
 17 Exhibit 12.
 18 MR. DEARMAN: Okay. You
 19 did. So I just want to make sure
 20 we're not messing the exhibits up.
 21 MS. ANTULLIS: All right.
 22 So this should be Exhibit 12. And
 23 that is Tab 28.
 24 MR. DEARMAN: All right. So

1 Health, and McKesson, correct?
 2 A. Yes.
 3 Q. And so did you in fact have
 4 meetings with all three of those
 5 distributors?
 6 A. Yes, we -- yes, we did.
 7 Q. So Exhibit 12 appears to be
 8 an e-mail from you attaching a
 9 presentation. Does this -- do you
 10 recognize this document? Do you
 11 recognize the e-mail?
 12 A. I recognize the document.
 13 And the e-mail I just put my eyes on for
 14 the first time so -- okay.
 15 Q. Okay.
 16 A. Yep.
 17 Q. Do you remember sending this
 18 presentation to Michael Perfetto and
 19 Michael Clark and John Duff and John
 20 LaRocca?
 21 A. No, but I did.
 22 Q. Do you have any reason to
 23 believe that you didn't send this in the
 24 ordinary course of business?

1 A. No.
 2 Q. So I want to go to the
 3 presentation. I am not going to ask
 4 about much of it. But there's -- there
 5 are some convenient charts in the back
 6 that I'd like to go over with you. So
 7 the first one starts at ACTAVIS_1136388.
 8 A. Yes.
 9 Q. So this appears to be a
 10 responsibility tree related to the SOM
 11 process; is that correct?
 12 A. Yes.
 13 Q. Is that your understanding?
 14 So it begins with SOM
 15 steering committee at the top. And then
 16 it has four branches. One is legal and
 17 regulatory, one is order monitoring, one
 18 is know your customer, one is DEA
 19 intelligence; is that correct?
 20 A. That's correct.
 21 Q. So do you fall -- does the
 22 customer service team fall into one of
 23 these prongs -- branches?
 24 A. We sit really in the two

1 want to stay on the record?
 2 MS. ANTULLIS: Yeah, go
 3 ahead.
 4 BY MS. ANTULLIS:
 5 Q. Did you have a chance to
 6 read that page?
 7 A. Well enough, yes. Thank
 8 you.
 9 Q. So does this page fairly
 10 represent what you understand to be the
 11 SOM reporting process following the 2012
 12 enhancement?
 13 A. I wouldn't define it as a
 14 reporting. It wasn't a reporting
 15 process. It was a roles and
 16 responsibilities more accurately stated.
 17 Q. So next I want to go to Page
 18 10 to that presentation, which is Actavis
 19 1136391.
 20 A. Yes.
 21 Q. Okay. Now, I apologize, it
 22 is hard to read. I promise you that it
 23 is better than the original copy I saw,
 24 which was black and white and much, much

1 middle categories.
 2 Q. Okay. So --
 3 A. Definitely the order
 4 monitoring piece for sure.
 5 Q. Okay.
 6 A. And can I read this just for
 7 one minute. It's just been a long time.
 8 I want to refresh my memory on this.
 9 MS. ANTULLIS: We can -- do
 10 you mind if we actually take a
 11 break for a minute?
 12 MR. DEARMAN: While she's
 13 reading this, I just want to talk
 14 to you for a second.
 15 MS. ANTULLIS: We don't need
 16 to take a break. What?
 17 MR. DEARMAN: You take off
 18 your thing. You don't need to
 19 take a break while she's reading.
 20 MS. ANTULLIS: Oh, all
 21 right. Go ahead.
 22 THE WITNESS: Yep, I only
 23 need one minute.
 24 THE VIDEOGRAPHER: Do you

1 harder. So let's just -- this appears to
 2 be, like, a decision tree for the
 3 indirect sales process in terms of how to
 4 determine whether or not an order is
 5 suspicious. Is that your understanding
 6 of what this page represents?
 7 A. Yes.
 8 Q. So, if you see the first
 9 green box at the top, it says, "ValueTrak
 10 data."
 11 A. Yes.
 12 Q. "Indirect sales, i.e.,
 13 customer's customer data," correct?
 14 A. Correct.
 15 Q. Again, do you know what that
 16 data contains?
 17 A. I know it could be easily
 18 answered by the right person. But I'm
 19 not the right person.
 20 Q. And that -- would that
 21 person be Rachelle Galant?
 22 A. Yes.
 23 Q. Okay. And so if you look at
 24 the top, the top orange arrow on your

1 left, it says, "SOM steering committee
2 identifies criteria threshold for
3 customers of interest."

4 Do you see that?

5 A. Yes.

6 Q. Okay. And on the right
7 arrow, orange, it says, "DEA
8 intelligence, advising/counseling,
9 identifies products of interest based on
10 DEA input and market conditions."

11 Do you see that?

12 A. Okay.

13 Q. Okay. So the SOM steering
14 committee then, is it correct to say that
15 they gave you -- that they were to
16 provide guidance on what criteria would
17 establish a customer of interest?

18 A. The only guidance that that
19 would really be applying to is at a very
20 high level what our approach was. It was
21 a three-pronged approach that I spoke to
22 earlier, looking at how many different
23 sources a customer is buying from, their
24 historical purchases, and their purchases

1 realize we weren't 700 people. It was
2 fairly simple and quick access to get to
3 someone you needed. They weren't very
4 far removed.

5 Q. Looking at this chart, do
6 you believe that this accurately
7 represents what the decision tree would
8 have been at that time of October of
9 2012?

10 A. Yes. However, I will go on
11 record stating that the indirect process
12 was something new. Like I said, even the
13 DEA said I don't think anybody else was
14 doing it. We were cutting edge. It was
15 new. And if we had continued this
16 process here, I'm sure it would have
17 changed five times.

18 So to answer your question,
19 this reflects it as you see it as of this
20 time. Yeah.

21 Q. Was the indirect suspicious
22 order monitoring process ever implemented
23 at Actavis prior to the Watson
24 acquisition?

1 compared to like customers.

2 It was really just coming up
3 with that foundation. It wasn't, you
4 know, anything deeper than that at that
5 level.

6 Q. And do you have any
7 recollection -- well, first of all, if
8 you determined that a -- that there was a
9 customer of interest, would you
10 investigate that customer?

11 A. Anything of interest would
12 be investigated, yes.

13 Q. And if you deemed a customer
14 to be placing suspicious orders, if that
15 were the result of the investigation, who
16 would you, Nancy Baran, report that
17 information to?

18 A. That's hard to say, because
19 it would probably be a combination. And
20 it's one of those things, it hasn't
21 happened too often, so I don't recall.
22 But it would have probably been a
23 combination of the legal, compliance, and
24 the DEA person. I mean, you have to

1 A. Yes.

2 Q. Okay. During that time from
3 the time of implementation until the
4 Watson acquisition, did you ever deem a
5 customer to be of interest?

6 A. That's the same answer as
7 before. I don't recall. I feel like
8 there may have been one. There could
9 have been more. But I don't remember.

10 Q. Okay. I'm going to go, just
11 very quickly, to -- well, actually, I can
12 just ask generally. This presentation
13 was a presentation that you gave to
14 AmerisourceBergen; is that correct?

15 A. I believe. I lost track of
16 where we're at.

17 Q. Look at the title pages.

18 A. Yes, yes.

19 Q. Look at the title pages.
20 6382.

21 Do you recall what you
22 discussed at that presentation?

23 A. The primary focus of that
24 meeting was engaging in dialogue and

1 coming across strong but not harsh
 2 because they weren't the enemy. We had
 3 no reason to believe they weren't
 4 supported. We were coming across to give
 5 our message on, listen, here's the
 6 regulation as we understand it. Make
 7 sure we're on the same page. Here's what
 8 we're doing, and we expect your ongoing
 9 support in the process. It was -- it was
 10 that kind of meeting.

11 Q. During that meeting, did
 12 they explain their suspicious order
 13 monitoring process to you?

14 A. If they did, it would have
 15 been very minimal. I don't believe that
 16 was the purpose of this meeting, and
 17 there was time for that. You know, I
 18 don't recall. I don't think we got into
 19 details at this meeting.

20 Q. Sitting here now, are you
 21 aware of what AmerisourceBergen's
 22 suspicious order monitoring process was
 23 as of October 2012?

24 A. Sitting here now, I can't

1 speak a lot to it because I transitioned
 2 out of that role very quickly after this,
 3 and it became removed from my
 4 responsibilities, so...

5 Q. Were you aware as of
 6 October 2012 of what AmerisourceBergen's
 7 SOM policies and procedures were?

8 A. I believe that's the same
 9 question. I don't know their specific
 10 policies. We know they had a process,
 11 but my answer is the same as before.

12 Q. So -- so my question is
 13 actually just, were you aware of their
 14 process at that time. I'm not asking
 15 what the process was, I just want to know
 16 if you were aware of it in October 2012.

17 A. No. Was I aware of it in
 18 detail, no.

19 Q. Okay. So we're going to go
 20 to another exhibit now.

21 MS. ANTULLIS: I promise
 22 it's Number 42.

23 (Document marked for
 24 identification as Exhibit

1 Baran-13.)

2 MS. ANTULLIS: Okay. So
 3 this is supposed to be Exhibit 13?

4 MR. LOVRIEN: Yes.

5 MS. ANTULLIS: And it's
 6 ALLERGAN_MDL_01796473.

7 THE WITNESS: Thank you.
 8 BY MS. ANTULLIS:

9 Q. I apologize. This chart is
 10 incredibly tiny.

11 A. That's okay.

12 Q. I don't actually have
 13 questions about the chart though.

14 A. Yeah, that's okay. I mean I
 15 know what the concept of what it was and
 16 what the purpose was for it, so...

17 Q. So then do you recognize
 18 that chart?

19 A. Yes.

20 Q. Do you recognize this
 21 e-mail, e-mail chain?

22 A. Yes.

23 Q. Do you remember sending the
 24 top e-mail?

1 A. I didn't read it yet. I'm
 2 sorry. Okay.

3 Q. Okay. So the -- this e-mail
 4 references suspicious order letters. Can
 5 you please explain to me what the
 6 suspicious order letters were?

7 A. To clarify, they were not
 8 suspicious order letters.

9 Q. Okay. Can you look at
 10 the --

11 A. Yeah.

12 Q. -- the subject of the
 13 e-mail. It says suspicious order
 14 letters/update.

15 A. Yeah, so it's -- suspicious
 16 order letters may be misleading so I'll
 17 explain what it was. We sent our
 18 customers a letter outlining the
 19 expectations of our relationship and what
 20 we expected of them. And it was -- it
 21 was a compliance agreement more than
 22 anything else. And we asked for them to
 23 sign off on the fact they were agreeing,
 24 agreeing to what we were expecting.

1 Basically that's the only way I can
 2 explain it.
 3 Q. And what were the
 4 expectations that you outlined in that
 5 letter?
 6 A. Following the -- the letter
 7 of the regulations. I mean it was as
 8 simple as that.
 9 Q. So why did you send your
 10 customers a -- a letter asking them to
 11 follow the regulations?
 12 A. This was part of our "know
 13 your customer" initiative.
 14 Q. Okay. Were those letters
 15 then sent out to all of your customers?
 16 A. Yes. That were buying
 17 control drugs.
 18 Q. Okay. And how do you define
 19 customer in the context of these letters?
 20 A. Anyone that we personally
 21 were distributing to.
 22 Q. So who would that be?
 23 A. A whole list of --
 24 Q. Would that be -- would that

1 find that out. But no, I don't have a
 2 number to give.
 3 Q. Okay. So let's read the --
 4 the e-mail. It says, "I think we should
 5 come up with a plan as to how we will
 6 follow up with these customers. 30
 7 customers out of 48 that we're selling
 8 controlled drugs to is not" --
 9 "controlled drugs is not a great response
 10 rate."
 11 What response rate are
 12 you -- are you talking about in that
 13 e-mail?
 14 A. The documents being returned
 15 back to us signed.
 16 Q. Okay. So are you expressing
 17 concern in this e-mail that customers are
 18 not -- certain customers are not
 19 returning the documents signed?
 20 A. Not as quickly as we would
 21 have liked. So we were following up.
 22 Q. Okay. And then it says that
 23 "two out of three of our top wholesalers
 24 have not even responded," and in

1 be wholesalers?
 2 A. Yes.
 3 Q. Would that be distributors?
 4 A. Yes.
 5 Q. Would that be pharmacies?
 6 A. No.
 7 Q. Would it be prescribers or
 8 patients?
 9 A. No.
 10 Q. So how many wholesaler
 11 customers did you have as of 2012, did
 12 Actavis have as of 2012?
 13 A. I don't recall the number.
 14 Q. Do you recall approximately?
 15 A. No. I know our customer mix
 16 never changed much, but I don't know a
 17 number to give you.
 18 Q. Do you recall if it was more
 19 than 100?
 20 A. I don't know a number.
 21 Q. All right.
 22 A. I mean --
 23 Q. Okay.
 24 A. It would be pretty easy to

1 parentheses it says ABC and McKesson.
 2 And then it says, "Our
 3 largest chains, Walgreens and Walmart,
 4 have not responded."
 5 Do you see that?
 6 A. Yes.
 7 Q. Okay. Did ABC ever respond
 8 with the letter signed?
 9 A. I don't recall who
 10 ultimately signed. And then shortly
 11 after this, as you can read in the
 12 e-mail, I was transitioning and this role
 13 was no longer mine. And -- and I think
 14 it even says it in here somewhere, that I
 15 was looking to hand it over as clean and
 16 as diligent as possible. What would have
 17 happened after that would not be for me
 18 to know.
 19 Q. Do you recall when you
 20 handed it over to the next person who
 21 took over responsibility for this role,
 22 whether the record was clean as you put
 23 it?
 24 A. It was as clean as we got it

1 by that point, but I don't know to what
2 extent, if it looked like this, or
3 something else.

4 Q. Do you remember if there was
5 still outstanding letters that had not
6 been returned at that time?

7 A. There may have been. I
8 don't recall exactly.

9 Q. Do you recall whether
10 McKesson ever sent -- returned a signed
11 letter?

12 A. I don't recall. I would
13 like to -- I have something to say on the
14 topic if I can shed some light.

15 Q. Let me ask just two
16 questions that are related, and then you
17 can -- you can do that.

18 A. Okay.

19 Q. Was -- did Walgreens ever
20 return a signed letter to your knowledge?

21 A. I have no way of remembering
22 or knowing that. I don't -- don't --
23 know.

24 Q. Did Walmart ever returned a

1 signed letter to your knowledge?

2 A. Same -- same answer.

3 Q. Go ahead.

4 A. So I guess the very simple
5 way I would describe this without making
6 our transcript 900 pages, and this is
7 just my opinion, it doesn't mean it's
8 fact, but, you know, even after our
9 meeting with the DEA, and having them
10 hear what our initiatives were on the
11 indirect side and how we were engaging in
12 all these -- all of these "know your
13 customer" activities, to make sure that,
14 You know, our partnership with companies,
15 we were both doing what we should be, and
16 we were -- we were held accountable in
17 protecting the integrity of the supply
18 chain and preventing diversion. I mean
19 that's what we were there to do.

20 But when -- when I told you
21 earlier we left that meeting with the
22 impression like wow, here's -- I don't
23 think anybody -- I can't say for certain,
24 but I don't think anybody was doing this

1 yet.

2 So I know I took a long
3 route to get there, but what I'm telling
4 you is, I don't think, in my opinion,
5 these wholesalers or Walmart or whomever
6 else you just mentioned, were
7 nonresponsive because they didn't want to
8 agree to what we were asking to, I think
9 it was like wow, you know, we -- we hold
10 our customers to signing off on
11 agreements, but we've never had a
12 manufacturer do that to us. So it was
13 probably something new. And as you can
14 imagine, when something is new, it
15 probably gets picked up and someone is
16 like, well, I don't know, who in the
17 organization should sign that. And then
18 it goes on the next person's desk, and
19 then it sits there on two weeks because
20 they are traveling. I mean I imagine
21 that the slow response, in my best, most
22 professional opinion, is because, A, this
23 was new, it's something that these
24 organizations had to take, absorb.

1 I remember some of them say
2 okay, great, but I have to review this by
3 my legal, you know.

4 So it was really more of a
5 combination of it being new than them
6 wanting to reject us and be
7 nonresponsive.

8 I can't speak for why they
9 wouldn't have signed it like, that week.
10 That's not for me to speak to. But I can
11 speak to why some of the reasons I think
12 it took a little -- little bit longer
13 than we would have hoped.

14 Q. Okay. And do you have any
15 independent knowledge as to why McKesson,
16 AmerisourceBergen, Walgreens or Walmart
17 may have been slow in responding?

18 A. I think that's -- I think
19 that's in that explanation I just gave,
20 you know.

21 Q. Well, you prefaced your
22 explanation by saying it was an opinion.
23 I'm ask -- I'm asking if you have any
24 independent knowledge.

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1 A. My only knowledge would be
2 in -- in hearing back from them, some of
3 them said, you know, it's not like they
4 were like -- they never said we don't
5 want to sign this. I never, ever heard
6 that. It was well, it's with legal, or
7 it's with this person or it's with that
8 person.

9 But hopefully that answers
10 your question.

11 Q. Did you ever contact anyone
12 at any of those four entities to ask
13 them, to inquire about the status of
14 the -- the letter?

15 A. Me personally? Or did --
16 did we? I'm not sure where that ended
17 up.

18 Q. Did you personally?

19 A. I -- I don't recall for
20 sure.

21 Q. Did you request that anybody
22 else in your department follow up with
23 one of those four listed customers
24 regarding the status of their letter?

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1 they were discovered --

2 A. No.

3 Q. -- at Watson?

4 A. No. We were not responsible
5 for the investigation. We were
6 responsible for -- the investigation they
7 were doing, if they needed our
8 assistance, that was our responsibility.

9 Q. What kind of assistance
10 would you provide?

11 A. Anything -- anything that
12 would be asked of us to look into, you
13 know, if a customer is new, you know, who
14 are they? Do we know who they are? Do
15 we have a contract with them? Anything
16 that would be asked of us.

17 Q. Do you recall what -- was
18 there an SOP post-Watson that addressed
19 suspicious order monitoring activity?

20 A. Oh, yeah. Absolutely.

21 Q. Do you recall what that
22 document would have been called?

23 A. No. No, I don't.

24 Q. Do you recall what the

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1 A. Possible. I don't recall.

2 Q. Bear with me.

3 So you have testified that
4 your role changed when Watson acquired
5 Actavis; is that correct?

6 A. Yes.

7 Q. And you testified previously
8 that part of that role change was the
9 elimination of suspicious order
10 monitoring responsibilities from your --
11 your duties; is that correct?

12 A. I -- based on my earlier
13 testimony, the way I described it was
14 ownership and managing that process was
15 to take and -- and move to a department
16 called DEA affairs.

17 But what I did mention in my
18 earlier testimony, I'm almost positive,
19 was that it didn't remove me entirely
20 from involvement. If they had questions,
21 they would come to us and we were now --
22 we were now a support group.

23 Q. And were you responsible for
24 investigating orders of interest when

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1 procedures and policies were generally?

2 A. Generally, it was
3 accomplishing the same objectives. But I
4 can't speak any further to the policy. I
5 was not the author.

6 Q. I'm going to introduce
7 another document that may refresh your
8 recollection. Let's see.

9 MS. ANTULLIS: It is Tab 46.

10 It's going to be Exhibit 15 (sic).

11 ALLERGAN_MDL_02466960.

12 (Document marked for
13 identification as Exhibit
14 Baran-14.)

15 MR. LOVRIEN: Did you say
16 that was 14?

17 MR. DEARMAN: 14.

18 MS. ANTULLIS: Oh, it's 14.

19 MR. LOVRIEN: It is 14.

20 MS. ANTULLIS: You got the
21 sticker on me before I saw it
22 happen.

23 BY MS. ANTULLIS:

24 Q. All right. So I'll give you

1 a chance to go through this for a minute.
 2 I want to direct your attention first to
 3 Page 4, the bottom of the document.

4 A. Okay.

5 Q. So this appears to be an
 6 e-mail from you to Mary Woods, Sandra
 7 Simmons, and Victoria Lepore. Sorry if
 8 I'm butchering her name.

9 A. No, you're good.

10 Q. And the subject is "SOMs."
 11 Go to this e-mail -- first of all, is
 12 this an e-mail that you would have sent
 13 in the ordinary course of business?

14 A. Sure.

15 Q. It says, "Can someone please
 16 send me copies of any relevant documents
 17 speaking to our SOMs programs? I'm
 18 meeting with Teva. I need to speak
 19 accurately to all of this."

20 Do you remember making that
 21 request?

22 A. I don't remember. But it
 23 doesn't surprise me.

24 Q. So what follows then from

1 group that managed it at that time.

2 Q. So you don't know then; is
 3 that correct?

4 A. Yeah, I mean, first of all,
 5 I would have to read through all that
 6 horrendous long e-mail. I can speculate
 7 with very good certainty as to why I may
 8 have been asking.

9 We had an introductory
 10 meeting, just really high level, hey,
 11 here -- you know, here's my name, and
 12 here's what I did at Actavis, kind of
 13 thing. And I tend to be the type that
 14 likes to drill in details and understand.
 15 And I was probably educating myself so
 16 that I didn't look like an idiot, you
 17 know, in terms of that process. I was
 18 probably just doing my homework is why I
 19 was asking, because I wouldn't be asking
 20 because I owned it, because I didn't own
 21 the process.

22 Q. Understood.

23 A. Hopefully that answers your
 24 question.

1 Victoria Lepore is what appears to be
 2 written policy of some sort regarding
 3 suspicious orders. Please look at it and
 4 tell me if this reflects your
 5 understanding of what post-Watson SOM
 6 activities entailed.

7 A. So I can't do that unless I
 8 read this entire document. Because
 9 there's a lot of information here. We
 10 can do one of two things. I can tell you
 11 that if they're sending this to me, this
 12 is the process coming from the owners.
 13 So I imagine -- I have no reason to
 14 believe it wouldn't be. But if you want
 15 me to sit and say this is everything that
 16 I know -- first of all, I didn't know a
 17 lot, because it wasn't my area.

18 Q. So, yeah, I think my
 19 question is more, as of January 6, 2016,
 20 would this have been -- would this have
 21 been the policy then specific to Allergan
 22 PLC?

23 A. I would imagine so. But I
 24 would rather that answer come from the

1 Q. Well enough. Thank you.

2 Okay. To your knowledge, did Actavis
 3 make any public statements related to --
 4 any public statements related to its duty
 5 to report suspicious orders?

6 A. I'm sorry. I was
 7 daydreaming for a moment. Can you repeat
 8 that?

9 Q. It's getting late in the
 10 day. Did Actavis make any public
 11 statements related to its duty to report
 12 suspicious orders?

13 A. So you're saying Actavis in
 14 what time period?

15 Q. I'm using Actavis to refer
 16 to the entity that you worked for from
 17 2008 through 2017.

18 A. Okay. So we're back --

19 Q. 2008 through 2017.

20 A. Okay. So --

21 Q. I can ask specifically about
 22 every company if you'd like.

23 A. It's okay. I don't know how
 24 you would define a public statement, so I

1 don't know. What would be consistent of
2 a public statement? Do we have a
3 billboard? I mean, I don't know. Help
4 me with that.

5 Q. I will help you with that.
6 We've got another document. It's
7 Exhibit 45.

8 MS. ANTULLIS: Exhibit
9 Number 15.
10 ACQUIRED_ACTAVIS_02236096.
11 (Document marked for
12 identification as Exhibit
13 Baran-15.)

14 BY MS. ANTULLIS:

15 Q. Do you recognize this e-mail
16 exchange?

17 A. I -- I do now. But it's
18 something I totally forgot about.

19 Q. Okay.

20 A. But I'd have to read it to
21 remember what the details were.

22 Q. But you recognize it?

23 A. Based on the person that
24 sent it, yeah.

1 ask you a few questions, and then we're
2 going to take a break and then we might
3 be close to finishing.

4 So do you know whether or
5 not Actavis belonged to the -- certain
6 trade organizations, any trade
7 organizations?

8 A. It depends. Do you define
9 that trade organization like HDMA or
10 NACDS? That's a trade organization.

11 Q. So do you know if Actavis
12 ever belonged to the Healthcare
13 Distribution Alliance?

14 A. I'm not familiar with that.
15 So I don't know.

16 Q. Okay. If I called it the
17 HDA, would that make more sense? Do you
18 know if Actavis ever --

19 A. HDMA, but not HDA.

20 Q. So we'll go with the
21 Healthcare Distribution Management
22 Association. Do you know if Allergan
23 ever belonged to the HDMA?

24 A. I don't know how HDMA works,

1 Q. Okay. And do you recognize
2 the attachment?

3 A. Yes.

4 Q. Okay. So please go ahead
5 and read through the e-mail exchange.

6 A. Okay. So I haven't read the
7 entire letter in the back. But I get the
8 gist of what it was doing at the time.

9 Q. And I don't have specific
10 questions about the letter.

11 A. Okay.

12 Q. What I would like to know is
13 whether or not -- do you know whether or
14 not this campaign was ever implemented?

15 A. Yes.

16 Q. Okay. Was this campaign
17 ever implemented?

18 A. Yes, it was.

19 Q. And how was it implemented?

20 A. I wasn't involved with the
21 implementation, so I don't have the
22 details. But I recall some aspects of
23 it.

24 Q. Okay. So I'm just going to

1 if it's -- a corporation belongs to it or
2 if individuals belong to it. I know that
3 I was not a personal member. But I know
4 that there were employees who were.

5 Q. Do you recall ever
6 participating in any webinars or any
7 other meetings related to the HDMA?

8 A. We had a conference, like an
9 HDMA conference.

10 Q. Do you recall a specific
11 conference that you attended?

12 A. No, it was just like a
13 meeting where you meet with your
14 customers. And from what I remember, I
15 think that was the one I mentioned
16 earlier. I think I only went once. It
17 was kind of like speed dating.

18 You know, it's just a chance
19 where all your customers are in one place
20 at the same time, and you have many
21 meetings. It's not like you're there to
22 achieve any major objectives. It's more
23 like get together, hey, what are the big
24 subjects, how are things going.

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1 They -- they joked and they
2 referred to it as speed dating. I don't
3 know much more about HDMA than that.
4 Sorry.

5 Q. You don't have to apologize.
6 Did you ever give a
7 presentation regarding suspicious order
8 monitoring issues to a conference?

9 A. To a conference? No, I
10 don't believe so. I've only been to a
11 few conferences and they wouldn't have
12 been something that I presented.

13 Q. Have you ever authored any
14 articles regarding suspicious order
15 monitoring?

16 A. Articles, no.

17 Q. Have you ever participated
18 on any panels regarding suspicious order
19 monitoring?

20 A. No.

21 Q. As part of your meetings
22 with AmerisourceBergen, Cardinal and
23 McKesson, following the September 2012
24 DEA conference, did you enter into any

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1 agreements with them regarding the duty
2 to prevent diversion?

3 A. There were no agreements on
4 that topic that I'm aware of, no.

5 MS. ANTULLIS: I think we're
6 going to go off the record now and
7 take a break.

8 THE VIDEOGRAPHER: The time
9 is 4:28 p m. Off the record.
10 (Short break.)

11 THE VIDEOGRAPHER: We are
12 back on the record. The time is
13 4:40 p m.

14 BY MS. ANTULLIS:

15 Q. All right. So I just have a
16 couple of follow-up questions for you,
17 and I will be done.

18 First question is, during
19 any of the breaks that we've taken today
20 have you discussed your testimony that
21 you've given with your attorneys?

22 A. Not more than, you know,
23 you're doing a great job, you know, very
24 basic like that. This is my first

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1 experience, so...

2 THE VIDEOGRAPHER: Your
3 microphone is not on.

4 MS. ANTULLIS: So sorry.
5 BY MS. ANTULLIS:

6 Q. I just want to make sure I'm
7 understanding prior testimony. So I'm
8 going to ask again -- and I apologize if
9 it seems repetitive. Would there be a
10 record of every investigation you
11 performed of an order of interest?

12 A. Yes. But those records --
13 well let me step back.

14 Really, two different time
15 periods. Which time period are you
16 referring to?

17 Q. What are the two different
18 time periods?

19 A. The original -- the original
20 process and the enhanced process.

21 Q. Okay. So is the original
22 process the process that was in place
23 from 2008 when you started and before and
24 through 2011?

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1 A. Correct.

2 Q. So for that original
3 process, would there be a record of every
4 investigation that you performed
5 regarding an order of interest?

6 A. I really can't say if those
7 would even exist anymore. I don't -- I
8 don't know.

9 Q. So would you have created a
10 record of every investigation you
11 performed on an order of interest?

12 A. Created, yes. Existing
13 today, is what I thought the question
14 was.

15 Q. Just whether -- whether it
16 existed -- whether you ever created one,
17 is the question I asked.

18 A. Existed, yes.

19 Q. Okay. And for the second
20 time period, I presume is from 2011
21 through the Watson acquisition; is that
22 correct?

23 A. Correct.

24 Q. Okay. So would there be a

1 record of every investigation you
 2 performed on an order of interest during
 3 the second time period?
 4 A. Yes.
 5 MS. ANTULLIS: Okay. I'm
 6 going to introduce. Exhibit
 7 Number -- what is it? It's Tab
 8 29.
 9 MR. DEARMAN: 16.
 10 MS. ANTULLIS: 16. Exhibit
 11 Number 16.
 12 MR. DEARMAN: Not doing my
 13 job, am I?
 14 MS. ANTULLIS: Thank you.
 15 (Document marked for
 16 identification as Exhibit
 17 Baran-16.)
 18 MS. ANTULLIS: It's
 19 ACQUIRED_ACTAVIS_00667194.
 20 29, my friend. 29.
 21 BY MS. ANTULLIS:
 22 Q. It is a very short e-mail.
 23 A. Okay.
 24 Q. Okay. So in the first

1 weren't getting from another wholesaler.
 2 Q. So how did you know that ABC
 3 lost that -- for lack of a better word,
 4 lost that business?
 5 A. It must have -- I can't say
 6 for certain what the conversation was and
 7 how it was communicated. But it must
 8 have been communicated some way. Because
 9 it may have been quantities that would
 10 have impacted their overall forecast. So
 11 they probably would have told us that,
 12 hey, you know, we've shed a customer for
 13 whatever reason. You may not even have
 14 known. So our monthly usage on products
 15 X, Y, and Z are going to go from this to
 16 this. And that's how it could have gone.
 17 I can't put myself back in that moment in
 18 time. But that's how I would envision it
 19 would have gone down.
 20 Q. So then -- then you say,
 21 "The problem doesn't go away. It just
 22 shifts."
 23 A. Yes.
 24 Q. What problem are you

1 e-mail in this chain, you appear to be
 2 discussing new business taken on by
 3 McKesson, correct?
 4 A. Yes.
 5 Q. Which includes oxy
 6 50 milligrams and 30 milligrams,
 7 oxymorphone, et cetera.
 8 A. Yes.
 9 Q. You state, "I believe this
 10 to be the business ABC was losing."
 11 Was ABC AmerisourceBergen?
 12 A. Correct.
 13 Q. And do you remember what
 14 business they were losing at that time?
 15 A. My recollection has -- and I
 16 would never have remembered the customer
 17 name, but it's here in writing, so that's
 18 helpful, is ABC had done some due
 19 diligence and had made a decision for
 20 whatever reason that I can't speak to,
 21 that they -- they were cutting off Topco.
 22 And the reason that it came
 23 across our desk is Topco then must have
 24 went elsewhere to purchase what they

1 referring to in that -- in that sentence?
 2 A. The problem I would describe
 3 is, you know, at the end of the day,
 4 we're all in this together. We all have
 5 the same objectives. But it's one thing
 6 for a manufacturer to be communicating
 7 with one of its customers, let's just say
 8 a wholesaler, because they do business
 9 together. But, you know, is it realistic
 10 to say -- I don't know. I think you'd
 11 have to ask a wholesaler. If a
 12 wholesaler makes a decision for whatever
 13 reason not to sell to someone, maybe they
 14 are just not comfortable in what their
 15 warehouses look like. I don't know.
 16 Would they share that across the supply
 17 chain so that all other wholesalers would
 18 be in on it? Highly, highly doubtful.
 19 They're -- they're not working across one
 20 another.
 21 So the purpose of this
 22 e-mail was, like, look, what we think
 23 this customer deemed is a problem,
 24 whatever their problem was, you know, we

1 may need to somehow get some information
2 to McKesson, because McKesson may be
3 taking on something that they may not
4 wish to, and they may not be aware.

5 Q. Okay. So I want to make
6 sure I understand your testimony. I
7 asked you what problem meant, the word
8 "problem" in the context, this sentence.

9 A. Problem.

10 Q. Is it your testimony that
11 the problem is whatever problem
12 Cardinal -- ABC had with this customer?

13 A. No. My definition of
14 problem would have been, you know,
15 information sharing from one competitor
16 to another.

17 Q. Okay. So then, do you
18 believe that this sentence saying, "This
19 problem doesn't go away. It just
20 shifts," is related to the sharing of
21 information?

22 A. Yeah. I mean one customer
23 makes a determination for whatever logic
24 and due diligence they use to come up

1 with it, and it -- you know, the customer
2 now is going to go elsewhere, and it
3 shifts the problem, and then you hope
4 that the next customer's due diligence is
5 just as sufficient to make the same
6 informed decision.

7 And I'm sure, I have no
8 reason to believe McKesson, you know, may
9 have ended up in that same direction, but
10 maybe not initially. Maybe they wouldn't
11 have had --

12 Q. So my --

13 A. -- the information.

14 Q. I don't actually think that
15 we're all that far apart from
16 understanding each other.

17 A. Okay.

18 Q. I don't. And maybe my
19 questions are just not clear.

20 I'm just trying -- when you
21 say, "The problem doesn't just go away.
22 It just shifts," I'm trying to understand
23 what the word "problem" means. And so
24 you explained it as the failure to

1 properly communicate across entities,
2 right? And you've also, in the context
3 of your sentences, explained it as the
4 problem at Topco, whatever that problem
5 was with that customer.

6 I'm trying to understand
7 what the correct definition of the word
8 is in this context that you were using.

9 A. I'll try to explain that
10 better, hopefully. If there's something
11 in the due diligence, and whatever that
12 may have been, that made a wholesaler
13 uncomfortable to supply for whatever
14 reason -- like I said, it could be that
15 they didn't like the way their warehouse
16 looked, or they didn't like the size of
17 their vault. I don't know. I can't
18 speak to the background.

19 But the problem is, is that
20 that's great, someone in their due
21 diligence made a decision that they don't
22 want this customer to get whatever the
23 product is. But the problem shifts now,
24 because just like a patient that can't

1 get a drug at one pharmacy, do you think
2 they give up? They're going to go to
3 another one.

4 It's probably the same for
5 customers. So that's kind of how I'm
6 loosely using the word. The problem
7 doesn't shift. You know -- they're
8 moving from one to another.

9 Q. I think I understand well
10 enough.

11 A. Does that make sense?

12 Q. It does. So the next
13 sentence you say, "This is where refusing
14 chargebacks may eventually need to come
15 in."

16 Earlier you testified in
17 your role in customer service, you didn't
18 have much, if anything, to do with
19 chargebacks; is that correct?

20 A. Yeah, I -- that's correct.

21 Q. Okay. So in -- in this
22 sentence here where you say, "This is
23 where refusing chargebacks may eventually
24 need to come in," what did you mean?

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1 A. So I did not administer. It
 2 was not my role. But that was somebody's
 3 concept at the time, I don't recall who,
 4 of a reassurance to make sure, if there's
 5 a customer out there we don't want buying
 6 a certain product, and it could be any
 7 product, even a noncontrol, a pretty easy
 8 way of -- of administering that is cut
 9 off chargebacks, because then the
 10 wholesalers won't -- won't get paid and
 11 then they'll -- they won't do business.
 12 And that's how they will find out
 13 something that maybe they didn't know,
 14 You know. I don't know. I can't speak
 15 to that concept, it wasn't mine, the
 16 idea. But it was a concept that existed
 17 as a way of, you know, so we don't have
 18 to be looking over our shoulder and
 19 making sure we're catching this every
 20 moment. It was a foolproof of trying to
 21 say, hey, this is one way to make sure
 22 that they don't move to somebody else.
 23 Q. Do you remember if -- if
 24 chargebacks were eventually refused to --

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1 question is first to save us all time.
 2 Q. Well, I have questions about
 3 the context of that -- that beginning
 4 e-mail.
 5 A. Oh.
 6 Q. I also want to know whether
 7 the suggested program was ever
 8 implemented.
 9 A. Okay.
 10 Q. I assume when I ask you that
 11 question you're going to tell me you need
 12 the rest -- to read the rest of the
 13 e-mail.
 14 So we can -- I can ask the
 15 question and we can --
 16 A. No, I'm comfortable with
 17 answering that question.
 18 Q. Okay. All right. So this
 19 appears to be an e-mail from someone
 20 named Robert Williamson with Cegedim. Do
 21 you remember him?
 22 A. Mm-hmm. Yes, I do.
 23 Q. Okay. Did you have frequent
 24 communications with Robert Williamson?

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1 A. To anybody?
 2 Q. -- to anybody?
 3 A. It wouldn't be impossible or
 4 unlikely, but not specifically that I'm
 5 aware of.
 6 Q. Okay. So I've just got one
 7 more document and we're done.
 8 MS. ANTULLIS: It is Tab 21.
 9 MR. DEARMAN: 17.
 10 MS. ANTULLIS: Exhibit 17 is
 11 ACQUIRED_ACTAVIS_01370513.
 12 (Document marked for
 13 identification as Exhibit
 14 Baran-17.)
 15 BY MS. ANTULLIS:
 16 Q. So the first e-mail starts
 17 on the second to last page I believe.
 18 Third to last page. It starts with,
 19 "Good morning, Nancy."
 20 A. Okay. So I've read the
 21 initial e-mail to get a glean on what
 22 this is about. And if you have a lot of
 23 questions, then I would want to read the
 24 rest. But maybe tell me what your

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1 A. I wouldn't call it frequent,
 2 but he was like our partner with -- with
 3 Cegedim and I believe, I'm almost
 4 100 percent certain, he was the gentleman
 5 that went with me to McKesson. We were
 6 doing this "know your customer" and --
 7 and implementing this visit our customers
 8 and roll out our project, tell, them, you
 9 know, what we're doing, what our
 10 expectations were.
 11 And we had an opportunity to
 12 hire someone to help us have all these
 13 conversations meaning bringing an expert
 14 with us in every single customer
 15 conversation. We're doing like a
 16 train-the-trainer. You know, help make
 17 sure that I have the expertise I need to
 18 be leading these discussions. And that's
 19 what his role was.
 20 Q. And so did a representative
 21 of Cegedim come with you on your site
 22 visit to Cardinal Health?
 23 A. I --
 24 Q. To any site visit to

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1 Cardinal Health.
 2 A. I can't be certain. I think
 3 the only one may have been McKesson that
 4 I recall.
 5 Q. Okay. Okay. So first of
 6 all, who is Paul Hamby?
 7 A. He is just one of the bosses
 8 at -- at Cegedim.
 9 Q. And Jonathan Kuhn?
 10 A. Jonathan Kuhn is the Ph.D.,
 11 statistical guy, that wrote the
 12 algorithms to our new model.
 13 Q. Who is Jason Owen?
 14 A. I don't know who he is.
 15 Q. Okay. Before we look at the
 16 context -- look at this document in
 17 particular, you mentioned the algorithm
 18 that Cegedim wrote. Was that algorithm
 19 written for your direct SOM?
 20 A. Yes.
 21 Q. Did they write an algorithm
 22 for your indirect SOM?
 23 A. That's what this e-mail is
 24 pertaining to. They wanted to.

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1 And Robert says, "I've been
 2 meaning to discuss with you the use of
 3 Actavis chargeback data in conjunction
 4 with the SOM program."
 5 He says, "From the outset I,
 6 we, Jonathan and I, have been intrigued
 7 by the so-called chargeback data. From
 8 what we were able to glean during our
 9 on-site SOM discussions and with some
 10 peripheral follow-up with other clients,
 11 this data shows what Actavis products are
 12 purchased from Actavis' customers'
 13 customers."
 14 A. Mm-hmm. Correct.
 15 Q. Is it your understanding
 16 that Actavis -- that chargeback data
 17 maintained by Actavis showed what Actavis
 18 products were purchased from Actavis'
 19 customers' customers?
 20 A. That area is a little grey
 21 to me when you start talking about
 22 chargebacks. All I know, it was the data
 23 that we were getting from the ValueTrak
 24 system. And what those feeds were coming

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1 Q. Were they ever hired to
 2 write an algorithm for your indirect SOM?
 3 A. No. They -- they heard of
 4 our great concept and loved what we were
 5 doing and they wanted to get in on it.
 6 Q. Have you -- are you able to
 7 discuss the algorithm for the direct SOM?
 8 I'm not asking you to do so. I'm just,
 9 are you able to?
 10 A. Very high level. I can't
 11 tell you mathematically and statistically
 12 how it was designed.
 13 Q. Okay. Who would be able to
 14 do that?
 15 A. In terms of the actual
 16 algorithm? The only one that I'm aware
 17 of would that be the one that wrote it.
 18 Q. And would that be Jonathan
 19 Kuhn?
 20 A. Yeah, he's the expert.
 21 Q. So in this e-mail, as you
 22 said, they are approaching you with an
 23 idea for an indirect SOM algorithm or
 24 process, right.

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1 in, Rachelle Galant would be a very good
 2 person to ask to. I would just be
 3 sitting here struggling.
 4 Q. Okay.
 5 (Discussion off the record.)
 6 - - -
 7 EXAMINATION
 8 - - -
 9 BY MR. DEARMAN:
 10 Q. One question.
 11 Would you be surprised to
 12 hear that the data that was available was
 13 prescriber level?
 14 MS. LEVY: Object to the
 15 form.
 16 THE WITNESS: Okay. And I
 17 can still answer it once I think
 18 about what that question was?
 19 Would I be surprised to hear
 20 that the data -- give me the end
 21 of that.
 22 BY MR. DEARMAN:
 23 Q. Is down to the prescriber
 24 level.

1 A. Prescriber level? I have
2 never heard of data -- well, I'm sure
3 there's data at a prescriber level.
4 Where it is and how to get to it, I
5 don't -- I don't know.

6 Q. And my question is would you
7 be surprised that --

8 MS. LEVY: That was more
9 than one question, my friend.

10 BY MR. DEARMAN:

11 Q. And -- and would you be
12 surprised to hear that Actavis had access
13 to that data if they wanted it?

14 MS. LEVY: Object to form.

15 THE WITNESS: I can't answer
16 that question, yeah.

17 BY MR. DEARMAN:

18 Q. Because you don't know?

19 A. Yeah, we didn't -- I don't
20 recall prescriber information being
21 discussed on the radar. We -- we led off
22 a big initiative with the indirect piece.
23 As you can see by this e-mail, when these
24 consultants caught wind of what we were

1 doing, they wanted in on it because it
2 would grow their business. They had tons
3 of clients that probably want the same
4 thing. We did not pursue that, to answer
5 your question. We did it on our own.

6 MS. ANTULLIS: I'm done.

7 MS. LEVY: I do not have
8 anything further.

9 MS. ANTULLIS: Are there
10 questions from anyone on the
11 phone? Anybody hang in there.

12 THE VIDEOGRAPHER: This
13 marks the end of today's
14 deposition. The time is 5:00 p.m.
15 Off the record.

16 (Excused.)

17 (Deposition concluded at
18 approximately 5:00 p.m.)
19
20
21
22
23
24

1
2 CERTIFICATE
3
4

5 I HEREBY CERTIFY that the
6 witness was duly sworn by me and that the
7 deposition is a true record of the
8 testimony given by the witness.

9 It was requested before
10 completion of the deposition that the
11 witness, NANCY BARAN, have the
12 opportunity to read and sign the
13 deposition transcript.

13 MICHELLE L. GRAY,
14 A Registered Professional
15 Reporter, Certified Shorthand
16 Reporter, Certified Realtime
17 Reporter and Notary Public
18 Dated: December 14, 2018

18 (The foregoing certification
19 of this transcript does not apply to any
20 reproduction of the same by any means,
21 unless under the direct control and/or
22 supervision of the certifying reporter.)
23
24

1 INSTRUCTIONS TO WITNESS
2

3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within thirty (30) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.
21
22
23
24

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1	-----	1	
2	E R R A T A	2	ACKNOWLEDGMENT OF DEPONENT
3	-----	3	
4	PAGE LINE CHANGE	4	I, _____, do
5	_____	5	hereby certify that I have read the
6	REASON: _____	6	foregoing pages, 1 - 387, and that the
7	_____	7	same is a correct transcription of the
8	REASON: _____	8	answers given by me to the questions
9	_____	9	therein propounded, except for the
10	REASON: _____	10	corrections or changes in form or
11	_____	11	substance, if any, noted in the attached
12	REASON: _____	12	Errata Sheet.
13	_____	13	
14	REASON: _____	14	
15	_____	15	_____
16	REASON: _____	16	NANCY BARAN DATE
17	_____	17	
18	REASON: _____	18	
19	_____	19	Subscribed and sworn
20	REASON: _____	20	to before me this
21	_____	21	_____ day of _____, 20____.
22	REASON: _____	22	My commission expires: _____
23	_____	23	_____
24	REASON: _____	24	Notary Public
Page 387			
1	LAWYER'S NOTES		
2	PAGE LINE		
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